

8393. By Mr. UNDERHILL: Petition of persons in favor of House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8394. By Mr. WASON: Petition of 81 residents of the second congressional district of New Hampshire, advocating the passage of House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8395. By Mr. WILLIAMS: Petition of North Texas Oil & Gas Co., protesting the importation of crude oil and its refined products into the United States; to the Committee on Ways and Means.

8396. By Mr. YATES: Petition of Robert H. Streeper, commander, Madison County Council, the American Legion, Alton, Ill., and 500 members of the Madison County council, requesting the passage of legislation to make available payment in cash the insurance now held by former service men; to the Committee on Ways and Means.

8397. Also, petition of Creroa Adams & Co., Thirty-sixth and Morgan Streets, Chicago, Ill., protesting the passage of any legislation that will increase the rate of postage on first-class mail; to the Committee on the Post Office and Post Roads.

8398. Also, petition of Theodore Hoffman Post, No. 1769, Veterans of Foreign Wars, Effingham, Ill., through Wendell W. Harris, post adjutant, urging the passage of House bill 3493; to the Committee on the Ways and Means.

SENATE

TUESDAY, JANUARY 6, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met at 12 o'clock meridian in executive session, on the expiration of the recess.

The VICE PRESIDENT. As in legislative session, the Senate, by unanimous consent, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 4501. An act to authorize funds for the construction of a building at Fort Sam Houston;

H. R. 10264. An act to provide a preliminary examination of Waccamaw River, North and South Carolina, with a view to the control of its floods;

H. R. 10672. An act to amend the naturalization laws in respect of posting of notices of petitions for citizenship;

H. R. 10720. An act to authorize a preliminary examination of the French Broad River for the purpose of flood control;

H. R. 12094. An act to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses or to dispose of the lands upon condition that they shall be used for such purposes;

H. R. 12871. An act providing for the sale of isolated tracts in the former Crow Indian Reservation, Mont.;

H. R. 13053. An act to authorize the Secretary of the Interior to accept donations to or in behalf of institutions conducted for the benefit of Indians;

H. R. 13276. An act to establish the Needles Rocks Wild Life Refuge;

H. R. 14056. An act to amend the act approved March 2, 1929, entitled "An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes";

H. R. 14446. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.; and

H. J. Res. 441. Joint resolution amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Shortridge
Barkley	Fess	Keyes	Smoot
Bingham	Fletcher	King	Steck
Black	Frazier	McGill	Steiwer
Blease	George	McMaster	Swanson
Borah	Glass	McNary	Thomas, Idaho
Bratton	Glenn	Metcalf	Thomas, Okla.
Brock	Goff	Morrison	Trammell
Brookhart	Goldsborough	Morrow	Tydings
Broussard	Gould	Norbeck	Wagner
Bulkeley	Hale	Norris	Walcott
Capper	Harris	Nye	Walsh, Mass.
Caraway	Hastings	Oddie	Walsh, Mont.
Carey	Hayden	Partridge	Waterman
Connally	Hebert	Phipps	Watson
Copeland	Heflin	Ransdell	Wheeler
Couzens	Howell	Robinson, Ark.	Williamson
Cutting	Johnson	Robinson, Ind.	
Dale	Jones	Sheppard	
Davis	Kean	Shiptead	

Mr. HASTINGS. My colleague the junior Senator from Delaware [Mr. TOWNSEND] is necessarily detained from the Senate to-day. I ask that this announcement may stand for the day.

Mr. GOFF. I desire to announce that my colleague the junior Senator from West Virginia [Mr. HATFIELD] is necessarily absent from the Senate. I will let this announcement stand for the day.

Mr. COUZENS. My colleague the junior Senator from Michigan [Mr. VANDENBERG] is detained in Michigan on account of the funeral of the late minister to the Netherlands, Gerrit J. Diekema.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

As in legislative session,

ANNUAL REPORT OF SECRETARY OF THE SENATE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Senate, submitting, pursuant to law, a statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from July 1, 1929, to June 30, 1930, which, with the accompanying report, was ordered to lie on the table and to be printed.

TRIBUTE TO THE MEMORY OF HON. FRANK L. GREENE

The VICE PRESIDENT laid before the Senate the following communication:

ST. ALBANS, VT., January 3, 1931.

Mr. EDWIN P. THAYER,

Secretary of the United States Senate, Washington, D. C.

MY DEAR MR. THAYER: May I ask you to convey to the Members of the United States Senate the sincere appreciation of myself and my family in this our greatest sorrow for their thoughtful consideration, expressed in the beautiful floral tribute sent in memory of my dear husband, FRANK L. GREENE.

Faithfully yours,

JESSIE R. GREENE.

SENATOR FROM MONTANA

Mr. WHEELER presented the credentials of THOMAS J. WALSH, chosen a Senator from the State of Montana for the term commencing March 4, 1931, which were read and ordered to be placed on file, as follows:

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1930, THOMAS J. WALSH was duly chosen by the qualified electors of

the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1931.

Witness his excellency our governor, J. E. Erickson, and our seal hereto affixed at Helena, this 12th day of December, in the year of our Lord 1930.

J. E. ERICKSON,
Governor.

By the governor:
[SEAL.]

W. E. HARMON,
Secretary of State.

PETITIONS

Mr. HALE presented petitions of sundry citizens of the State of Maine, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BROOKHART presented a petition of sundry citizens of Cedar Rapids, Iowa, praying for the passage of legislation providing for the payment in cash of adjusted-compensation certificates of ex-service men, which was referred to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCGILL:

A bill (S. 5536) granting a pension to Elizabeth Bridgman; and

A bill (S. 5537) granting a pension to Angeline Toland; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 5538) granting a pension to Nancy E. Kerrihard (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5539) granting a pension to John Adams;

A bill (S. 5540) granting a pension to Julia C. Benner; and

A bill (S. 5541) granting an increase of pension to Mary E. Watson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5542) to amend the grain futures act; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 5543) to confer citizenship upon certain members of the Byrd antarctic expedition; to the Committee on Immigration.

A bill (S. 5544) for the relief of C. H. Beasley & Bro. (Inc.) (with accompanying papers); to the Committee on Claims.

A bill (S. 5545) to amend an act approved February 24, 1925, entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes"; to the Committee on Public Buildings and Grounds.

A bill (S. 5546) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; to the Committee on the Library.

By Mr. DALE:

A bill (S. 5547) granting an increase of pension to Rose A. Fernan (with accompanying papers); and

A bill (S. 5548) granting an increase of pension to Nettie Jerome (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 5549) granting a pension to Bear Dog (with accompanying papers);

A bill (S. 5550) granting a pension to Eagleman (with accompanying papers); and

A bill (S. 5551) granting a pension to Ralph J. Gipson (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5552) for the relief of Elizabeth Casteel; to the Committee on Claims.

A bill (S. 5553) to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes," (Public, No. 360, 70th Cong., S. 3594); to the Committee on Indian Affairs.

By Mr. BULKLEY:

A bill (S. 5554) granting an increase of pension to Anna Martin (with accompanying papers); to the Committee on Pensions.

By Mr. GOLDSBOROUGH:

A bill (S. 5555) for the relief of Alexander M. Proctor; to the Committee on Military Affairs.

By Mr. HAYDEN:

A bill (S. 5557) to amend the act of May 23, 1930 (46 Stat. 378); to the Committee on Indian Affairs.

By Mr. WATSON:

A bill (S. 5558) granting a pension to Ellen R. Copeland (with accompanying papers);

A bill (S. 5559) granting a pension to Hannah A. Polen (with accompanying papers);

A bill (S. 5560) granting an increase of pension to Sarah J. Roberson (with accompanying papers); and

A bill (S. 5561) granting an increase of pension to Catharine A. Sweetland (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 5562) for the relief of Nelvil J. Thomas, jr.; to the Committee on Naval Affairs.

A bill (S. 5563) to authorize the issuance of an unrestricted patent to Judson M. Grimmet; to the Committee on Public Lands and Surveys.

APPORTIONMENT OF FEDERAL POSITIONS AT WASHINGTON

Mr. HEFLIN. I introduce, by request, a bill proposing to amend the civil service law, which I ask may be printed in the RECORD, and that the papers which I send to the Secretary's desk may also be referred to the committee to accompany the bill.

The bill (S. 5556) providing for the enforcement of the civil service act for apportionment of positions in the Federal service at Washington, and for other purposes, was read the first time by its title and the second time at length, and, with the accompanying papers, referred to the Committee on Civil Service, as follows:

Be it enacted, etc., That the civil service act for apportionment of positions in the Federal service at Washington among the States and the District of Columbia on the basis of population shall be enforced by all branches of the Government, the executive departments, commissions, boards, and agencies as to appointments, promotions, and reductions, and employees shall be classified according to their civil-service status; and the Civil Service Commission shall include in its annual report to Congress each year a list of such employees in the apportioned service, segregated by States, showing where they work and salary they receive. The Civil Service Commission shall also include in its annual report to Congress each year a list of employees in the unapportioned service, segregated by States, showing where such employees work and salary they receive. The Civil Service Commission shall also include in its annual report to Congress each year a list of new appointees in both the apportioned and unapportioned service, segregated by States, showing where they work and salary they receive. The Civil Service Commission shall also include in its annual report to Congress each year a list of employees who retire, resign, or are dropped from the service, and how their vacancies are filled.

An officer or clerk who violates this law shall be removed from office.

SEC. 2. Ex-service men and women and permanent civil-service employees, residents of States whose quotas are in arrears, who have been discharged because of reductions of force shall be restored to duty as of date they were discharged, as much unemployment exists in all the States, and necessary reductions shall be made of residents of the District of Columbia, Virginia, and Maryland, whose appointments since November 11, 1918, are over 10,000 in excess of their quotas allowed under the civil service law according to civil-service report filed with the Senate December 3, 1930, Senate Document 224; and the Civil Service Commission in its 1926 annual report stated that over 2,000 temporaries were given permanent appointment by Executive order August 22, 1925, without examination, which was less than three months after issuance of a new Executive order for reduction of force on June 4, 1925, by which permanent civil-service employees from

States whose quotas are in arrears, who had given years of faithful service, were discharged in 1926 because of "reduction of force," although they had been retained under the 1921 Executive order for reduction of force according to efficiency rather than years of service in the unclassified service and dependents, as provided by the 1925 Executive order for reduction of force.

Sec. 3. Application for restoration to duty shall be made within six months after passage of this act.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to House bill 15256, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 17, line 17, after the word "warnings," insert a comma and the following: "including the establishment and maintenance of a meteorological station at Missoula, Mont."

On page 18, line 8, strike out "\$2,577,200" and insert in lieu thereof "\$2,587,200."

FEDERAL LAND BANKS AND JOINT-STOCK LAND BANKS

Mr. FLETCHER submitted the following resolution (S. Res. 393), which was referred to the Committee on Banking and Currency:

Resolved, That the Federal Farm Loan Board is requested to submit to the Senate, within 20 days after the date of adoption of this resolution, the following information:

(1) By States, the number of loans now outstanding made by Federal land banks, respectively, under the supervision of the board and the total amounts so loaned by each bank; (2) the number of persons to whom such loans have been made, specifying the number of such persons who are meeting their payments and the number failing to meet their payments, and the amounts involved; (3) what disposition is made of the lands foreclosed because of the failure to repay money so borrowed; (4) the amount of loans made by each bank in the calendar year 1929 and in the calendar year of 1930, and to what extent these loans were made from the proceeds of bonds; the number of foreclosure suits that were instituted by each bank during the calendar years of 1929 and 1930, respectively; the number of farms and the acreage acquired by the banks, respectively, as a result of foreclosure or otherwise, and the amount of the cost thereof, including the amount of the loans involved, interest and expenses, showing the total amount involved as to each bank; (5) give the total amount of bonds sold in the calendar year 1929 and the same during the calendar year of 1930, and the terms thereof, whether sales were made at or above par and at what rate of interest; (6) what is being done by the Federal Farm Loan Board and the Federal land banks to encourage the organization of national farm-loan associations and the negotiation of loans, and give the attitude, and reasons therefor, toward applications for loans; the amount of losses incurred by each of the Federal land banks to date and compare that with the total amount of business done; what is the cost of administration, and how does that compare with the amount of business done; show whether or not the cost of administration has increased and the sale of bonds decreased and the number and amount of loans decreased—comparing the years of 1929 and 1930; (7) state the amount and character of assets, separate real estate from personal property, of each Federal land bank, and the amount and nature of the liabilities of each such bank; (8) state the number of joint-stock land banks and their status, how many have been liquidated or discontinued and with what result; how many are in process of liquidation and how many in active operation, and how do their assets compare with their liabilities; (9) state whether Federal land-bank bonds are being offered and quoted below par, and why; also state at what price joint-stock land-bank bonds are being offered and give the reasons therefor.

AIR MAIL CONTRACTS

Mr. DILL. I submit a resolution requesting the Postmaster General to furnish information to the Senate regarding air mail contracts, which I ask may lie on the table.

The resolution (S. Res. 394) was read and ordered to lie on the table, as follows:

Whereas the United Aircraft (Inc.) controls the Boeing Air Transport (Inc.), Pacific Air Transport (Inc.), National Air Transport (Inc.), Varney Air Lines (Inc.), and Aviation Corporation (Inc.), and all said corporations are engaged in the business of carrying air mail and hold air mail contracts from the Post Office Department; and

Whereas the United Aircraft also owns the Boeing Airplane Co., the Pratt & Whitney Aircraft Co., and the Hamilton Standard Propeller Corporation, all said companies being manufacturers of airplanes and equipment for airplanes; and

Whereas the United Aircraft also operates a factory in Vancouver, British Columbia, a city on the newly established Canadian-American air line; and

Whereas the Post Office Department has established air mail routes to all parts of the United States except to that section from St. Paul west to Seattle, and does not plan to establish air mail service to the northwestern part of the United States except by feeder and branch lines to certain towns to the north from the east and west air mail route running from Chicago to Cheyenne, Salt Lake, and San Francisco; and

Whereas the announced policy of the Post Office Department is to extend established lines instead of creating new lines, thereby making it impossible for new air mail and transport companies to bid for contracts over new routes, and thereby still further enlarging the control of the United Aircraft (Inc.) of the Government air mail business; and

Whereas the Boeing Air Transport (Inc.) is opposed to the Senate amendment providing \$750,000 additional for the air mail appropriation in the post office appropriation bill for the fiscal year 1931-32, which would provide for the Northern Air Ways mail route from St. Paul to Seattle; and

Whereas the Post Office Department proposes to use the additional funds for additional air mail service provided in the post office appropriation bill for the fiscal year 1931-32 to extend existing air mail routes in sections of the country already reasonably well supplied with air mail facilities, instead of establishing the new route from St. Paul to Seattle; and

Whereas the Post Office Department has recently approved the extension of the air mail route from St. Paul to Winnipeg, thus indicating an extension for connection with the Boeing Air Transport lines into the central part of Canada and Seattle, Wash.; and

Whereas it is probable that the Post Office Department will extend the San Francisco-Seattle route to Vancouver and Calgary, British Columbia, thus giving the Boeing Air Transport lines entrance to far-western Canada, and making possible the extension of the air mail route from Calgary to Winnipeg for subsidiary companies of the United Aircraft and for the carrying of Alaskan mail through Canada to St. Paul instead of by the American route through Seattle; and

Whereas these facts and other developments clearly indicate that the control of Government air mail contracts is rapidly coming under the direction of the aviation monopoly hereinbefore described: Now, therefore, be it

Resolved, That the Postmaster General is hereby requested to furnish the Senate the following facts:

1. The name and termination of each existing air mail route in the United States, what part of said route was established as an original route and what part is an extension of the original route, and the name of the person, firm, or corporation holding the contract for carrying of mail over said route and the terms of contract for each route.

2. The new routes to be established by the air mail appropriation provided in the appropriation bill for 1931-32 for air mail service in continental United States when it becomes a law, and also what extensions of routes will be made and to what person, firm, or corporation each added extension will bring additional contracts for air mail service.

3. Names of officers and attorneys of parent corporations, subsidiary, or affiliated corporations holding air mail contracts, who have been employees or officials of the United States Government within the past five years.

4. The requirements by the Post Office Department for the establishment of new air mail routes or extension of air mail routes previous to their establishment as to airports, distances between emergency landing fields, and other aids to navigation and whether or not such requirements have been met previous to the establishment or extension of air mail routes in the past.

NANNIE L. KING

Mr. HEFLIN. Mr. President, by request I submit a Senate resolution for reference to the proper committee.

The resolution (S. Res. 395) was read and referred to the Committee on Military Affairs, as follows:

Resolved, That the Secretary of War be, and hereby is, directed to furnish the Senate by January 20, 1931, duplicate photostat copies of all original correspondence and duplicate typewritten copies of all carbon copies of correspondence with any and all persons, the Civil Service Commission, other departments or interdepartmental correspondence, as well as correspondence on file at the Quartermaster General's office from the camp supply officer, Camp Knox, Ky., and with Nannie L. King, relating to appointment and discharge of Nannie L. King, Stithon, Ky. (Camp Knox), together with photostat copies of the efficiency reports from the camp supply officer, Camp Knox, to the Quartermaster General for June 30, 1919, December 31, 1919, June 30, 1920, December 31, 1920, December 31, 1921, and June 30, 1921; also copy of telegram dated February 17, 1920, from The Adjutant General of the Army to Col. G. Arthur Hadsell, Quartermaster Corps, Camp Knox, Ky., under which Secretary of War Davis approved said discharge by letter dated December 17, 1925, and which telegram Secretary of War Davis stated in his answer to Mandamus No. 71252, Supreme Court of the District of Columbia, was transmittal of orders of Secretary of War Davis for discharge of said Nannie L. King: Be it further

Resolved, That duplicate photostat copies of orders of Secretary of War Baker for reduction of civilian employees in 1918 be supplied; also Personnel Notices Nos. 8, 43, and 47, 1919, P. S. and T. Division, and Personnel Notices 23 and 25, 1918, P. S. and T. Division, connected with said alleged telegram of February 17, 1920, under which said Nannie L. King was discharged.

Resolved further, That the Attorney General be, and hereby is, directed to furnish the Senate by January 12, 1931, duplicate copies of approval of said Nannie L. King's discharge by two Secretaries of War under said telegram of February 17, 1920, from The Adjutant General to the camp supply officer, Camp Knox, Ky., as alleged in objections of the Attorney General filed in No. F-87, Court of Claims of the United States, by Frank J. Keating, January 27, 1928, together with copy of approval by the Quartermaster General of said discharge under said telegram, as alleged in above-mentioned objections, and that the Attorney General also furnish duplicate copies of the objections and motion to strike amended petition, filed by the Attorney General in F-87, Court of Claims of the United States.

All of said records to be referred to the Senate Judiciary Committee.

COMMITTEE SERVICE

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, it was—

Ordered, That Mr. BRATTON be excused from further service as a member of the Committee on Banking and Currency, and that he be assigned to membership on the Committee on the Judiciary; and

That Mr. MORRISON be assigned to service on the Committee on Appropriations and the Committee on Banking and Currency.

RATIFICATION OF CONSTITUTIONAL AMENDMENTS (S. DOC. NO. 240)

Mr. FESS. Mr. President, in recent years many requests have come to Senators and Congressmen for information with reference to the ratification of constitutional amendments by the various States. A request was made for the compilation of this data by the Congressional Library. I now hold in my hand a very voluminous document which represents the action of each State upon each amendment to the Constitution. I think it well worth while to have it made a public document. I therefore ask unanimous consent, as in legislative session, that it may be published as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 4501. An act to authorize funds for the construction of a building at Fort Sam Houston; to the Committee on Military Affairs.

H. R. 10264. An act to provide a preliminary examination of Waccamaw River, N. C. and S. C., with a view to the control of its floods;

H. R. 10720. An act to authorize a preliminary examination of the French Broad River for the purpose of flood control; and

H. R. 14446. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.; to the Committee on Commerce.

H. R. 10672. An act to amend the naturalization laws in respect of posting of notices of petitions for citizenship; to the Committee on Immigration.

H. R. 12094. An act to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses or to dispose of the lands upon condition that they shall be used for such purposes; to the Committee on Public Lands and Surveys.

H. R. 12871. An act providing for the sale of isolated tracts in the former Crow Indian Reservation, Mont.;

H. R. 13053. An act to authorize the Secretary of the Interior to accept donations to or in behalf of institutions conducted for the benefit of Indians; and

H. R. 13276. An act to establish the Needles Rocks Wild Life Refuge; to the Committee on Indian Affairs.

H. R. 14056. An act to amend the act approved March 2, 1929, entitled "An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for

other purposes"; to the Committee on Irrigation and Reclamation.

H. J. Res. 441. Joint resolution amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa.; to the calendar.

FEDERAL POWER COMMISSION

The Senate being in executive session,

Mr. WALSH of Montana. Mr. President, the attention of the Senate was directed yesterday to the interview with Doctor Smith reported in the newspapers to the effect that the dismissals were occasioned by reason of friction which existed among the employees of the commission. There was, indeed, friction between Bonner and Russell. There was likewise friction between King and Bonner. There was also friction between Lawson and Bonner. There was no want of harmony whatever between the three gentlemen named—Mr. King, accountant of the commission; Mr. Russell, solicitor of the commission; and Mr. Lawson, counsel for the commission. The friction that existed seemed to be between all three of those gentlemen on the one side and Mr. Bonner on the other side.

It will be borne in mind that no inquiry whatever was made as to whether the three gentlemen mentioned were right and Mr. Bonner was wrong in the clashing which occurred, and for aught we know they were right and Bonner was wrong. What would we think of a business house which was run on those principles? Without any inquiry into the right or the wrong of the controversy all three were dismissed. Of course, as I have indicated, Bonner having already expressed his purpose of severing his connection with the commission, the order operated effectively only as against Russell and King. But what would we think of a business house having an auditor whose business it was to check up the accounts of salesmen out on the road and a salesman comes in with a padded account? The auditor complains to him about his expense account and insists that he revise it; that there are items in it that ought not to be allowed at all. They get into quite a controversy about the matter. Again the thing occurs and again a clash arises between the two. The manager of the business says, "There is friction in the house, and I dismiss both of you."

There was a practice among the Romans that when any considerable number of men were involved in a difficulty in the army, if a mutiny of any kind arose, or theft occurred, the perpetrators of which were not easily discerned, every tenth man in the company was executed, a process known as decimation. This is said to have been resorted to by Blücher when a mutiny arose among his troops or a portion of them immediately before the Battle of Waterloo. All the world was aghast at the idea of dismissing men from the service without any inquiry at all as to their culpability for the purpose of serving a warning to anyone else who might be tempted to engage in like practices.

Thus we have it here. A clash arises; friction exists between public servants engaged in similar or related work; and they are all dismissed without any inquiry at all as to whether individuals are culpable or not. However, Mr. President, about this friction, Bonner had already, through the public press, declared his purpose to resign and to sever his connection with the commission. That would have relieved the friction; there would not be any more friction when he was gone.

I have before me a copy of the Washington Post of Saturday, December 13, 1930, some 10 days before the action taken by the commission, which is the subject of these remarks. Here is an article entitled "Bonner to Quit Post With Power Board. Secretary to Relinquish Post as Result of Criticism by His Superiors." I do not detain the Senate by reading the article, but the text fully sustains the heading to which I have adverted. When Mr. Bonner was out there was not going to be any more friction; there was no occasion for dismissing anybody in order to avoid further friction among the employees of the commission.

Mr. GOFF. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH of Montana. I yield to the Senator from West Virginia.

Mr. GOFF. I should like to ask the Senator from Montana if he has not been informed that Mr. Bonner never resigned and never tendered his resignation to either the old or the new commission?

Mr. WALSH of Montana. I have been so informed; but I have likewise been informed that he had already announced his purpose to resign.

Mr. GOFF. He announced it only through the public press and not through any communication to his superior officers.

Mr. WALSH of Montana. That is entirely sufficient for my purpose. His resignation, then, was to be anticipated.

Mr. GOFF. Was this anticipatory resignation, then, to govern the action of the commission?

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. In reference to the announcement of the resignation, there was also a letter about it to the chairman of the Interstate Commerce Committee, the Senator from Michigan [Mr. COUZENS], which very plainly showed his purpose.

Mr. WALSH of Montana. At least, Mr. President, when Mr. Bonner had announced his purpose to resign, there seemed to be no occasion for the indecent haste that was exhibited by the commission in gathering three members together a day or two after they were confirmed in order to take the action which is here under discussion.

Mr. GOFF. Mr. President, will the Senator from Montana yield to me there?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH of Montana. I yield.

Mr. GOFF. I do not wish to interrupt the Senator from Montana in his argument, but I want to ask him this question: It is not his contention, is it, that a newspaper article to the effect that an official intends to resign can be accepted by the commission authorized to accept his resignation as an offer to resign?

Mr. WALSH of Montana. Mr. President, there is no occasion to answer a question of that character at all. Mr. Bonner had announced publicly his purpose to resign. The members of the commission might have waited at least a day or a week or over the Christmas holidays until the other two members qualified in order to see whether he was going to resign or not.

However, Mr. President, accordingly this claim of removal because of friction is a perfectly obvious pretense. There must have been some other ground actuating these gentlemen in the course they took in this matter. That conclusion is enforced by the hollow pretense they make that the employees of the commission were automatically severed from it by reason of the so-called reorganization of the commission.

Mr. BLACK. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. I yield.

Mr. BLACK. Referring to newspaper articles, as I understand, these three gentlemen met hastily and all the evidence they could legitimately have had, I assume, as to any friction at all was from newspaper articles. Did they conduct any investigation?

Mr. WALSH of Montana. The Senator from Alabama will remember that the friction was very clearly disclosed in the investigation conducted by the Interstate Commerce Committee.

Mr. BLACK. That information was in newspaper articles also; the newspapers published the facts.

Mr. WALSH of Montana. Exactly.

Mr. BLACK. And the three members of the commission met, and, without any investigation of their own, acted immediately.

Mr. WALSH of Montana. Exactly. They did.

Mr. BLACK. And they had no official notice from these employees, so far as the Senator knows, that there was friction between them?

Mr. WALSH of Montana. The Senator from Alabama is quite right; they had exactly the same sort of information concerning the friction as they had concerning Mr. Bonner's purpose to resign.

Mr. President, it will be recalled that in the notice sent to these gentlemen, as well as to other employees of the commission, it was stated that they had been automatically severed from the commission by reason of the act. I hope that some of the Members of the Senate, at least the lawyers of the body, have copies of the act, a copy of which I have before me. There is absolutely nothing in it, either by express declaration or by reasonable inference, that will sustain the contention that the employees of the commission were automatically severed by reason of the enactment of this act. This act, Mr. President, is an amendment of the water power act of 1920. It starts out—

That sections 1 and 2 of the Federal water power act are amended to read as follows.

And then follows the provision by which, instead of the commission consisting of three members of the Cabinet, it shall consist of five members, to be appointed by the President and confirmed by the Senate. The act remains intact substantially except for this change.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to his colleague?

Mr. WALSH of Montana. Yes.

Mr. WHEELER. I am glad the Senator has called attention to that, because that was clearly the intention entertained by some of the members of the Interstate Commerce Committee who had to do with the passing of this particular law, namely, that the employees should not be automatically discharged.

Mr. WALSH of Montana. There is, I think, nothing in this act which any lawyer can assert operates automatically to sever from the commission every employee in its service. Upon what basis can any such contention as that be made? Mr. President, the appointment of Mr. King as general accountant for the commission was in pursuance of an order made by the old commission. There are many orders that were made by the commission. Is it contended that every order made by the commission is automatically nullified by the enactment of this amendment to the law? I do not follow the contention, because I have no hesitancy in saying that it is simply absurd.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. WALSH of Montana. I yield.

Mr. COUZENS. Does not the Senator think that section 2 might imply what has been contended for?

Mr. WALSH of Montana. Will the Senator kindly give me his views about the matter?

Mr. COUZENS. I asked the Senator the question; I am not making a speech.

Mr. WALSH of Montana. I will be glad to answer. Section 2 reads in part:

The commission shall have authority to appoint, prescribe the duties, and fix the salaries of a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended.

So it is merely an amendment of the old law which I have before me here.

Mr. COUZENS. Will the Senator yield further at that point?

The VICE PRESIDENT. Does the Senator from Montana yield further to the Senator from Michigan?

Mr. WALSH of Montana. Yes.

Mr. COUZENS. I should like to know how the commission could do all these things if the places were all filled. If the places were all filled, how could the Power Commission do all that is required of them in section 2?

Mr. WALSH of Montana. That is merely an amendment of the law as it stands.

Mr. COUZENS. No; it is more than an amendment; it is an addition to it.

Mr. WALSH of Montana. I say it is an amendment. The commission theretofore had the power to appoint its assistants; it had the power, certainly, to appoint the executive secretary.

Mr. COUZENS. That is true, and the law provides for the new commission doing that.

Mr. WALSH of Montana. Exactly; it provides for the new commission doing it whenever a vacancy shall occur.

Mr. COUZENS. No; it does not say that at all.

Mr. WALSH of Montana. Very well; I do not care to discuss that question. We frequently amend statutes creating commissions. They are already given power to appoint certain officers and that kind of thing, and we revise the statute by reenacting it as it is with certain changes. That does automatically sever the connection of every employee.

I want you to imagine, however, Mr. President, that it did. Of what consequence is it, anyway? Suppose we give that construction to the law; suppose we say that the connection of the employees with the commission is automatically severed. Bear in mind that all except these three were, by the act of the commission, immediately restored for at least 30 days.

It will probably interest those of the Members of the Senate who have not followed this controversy very closely to have some idea of what was the occasion for the clashes resulting in the friction which is offered as the excuse for their dismissal. In general, they arose by reason of the fact that the three gentlemen named—Mr. Russell, Mr. King, and Mr. Lawson—were endeavoring to assert and maintain the rights of the people with respect to the disposition of the power resources of the country as against what they believed to be undue friendliness on the part of Bonner toward the privilege-seeking interests that were endeavoring to secure concessions from the commission. Whether they were right in that contention or whether they were wrong in the contention, I merely now state what the source of the clashes was. Particularly, Mr. President, the clash arose over the accounting which is required by the commission of the corporations applying for and securing the permits and licenses. It will be borne in mind that the law provides that after 50 years the Government may take over the property created by the licensee or permittee upon paying to him or it the actual investment which has been made. Accordingly, Mr. President, in order that the question should not be one that would be mooted 50 years in the future, the commission required, as it was authorized by the law to require, every permittee to make an exact accounting of every dollar which went into its investment, and it was the duty of Mr. King as general accountant to go over those statements and reports and check them off and reject, if he could, those items which he deemed were not properly chargeable as a part of the investment account, and it became the duty of Mr. King to interrogate the licensees carefully in order to establish the contention made by the accountant that particular items were not justly chargeable. Their respective duties in this particular matter and the occasion for the clashes which ensued are very succinctly stated in an editorial in the New York World of Thursday, December 25, 1930, which I read, as follows:

TWO DISMISSALS FROM THE PUBLIC SERVICE

The new Federal Power Commission is off to a flying start. Its five members were confirmed by the Senate on Wednesday of last week. On Tuesday of this week the commission issued its first official order, summarily discharging Charles F. Russell and William V. King, who served the old commission as solicitor and chief accountant.

We are in no position to judge the extent to which these two men were technically qualified for the offices which they have occupied for some years. We do know that both men have frequently appeared in controversies centering upon the work of the commission and that they have usually appeared in the rôle of advocates of more stringent regulation. It was Mr. Russell who filed charges before a committee of the Senate in February of this year to the effect that various important public-utility companies operating under the Federal power act have been permitted to inflate their capital accounts by many million dollars. It was Mr. King, in the rôle of chief accountant, who furnished the same committee with data which led Senator COUZENS to describe the administration of the power act as "the rottenest exhibition of government" he had ever seen. Both men, in short, seem to be of the sort frequently described by some of the private power corporations as "trouble makers." That is, they ask unpleasant questions and insist upon compliance with inconvenient regulations. It may be that in pursuit of what they believe to be their duty they have shown themselves at times to be unduly suspicious, doctrinaire, and too easily alarmed by any threat to the public's interests. These are not grievous faults, considering the light-hearted complacency with which the power act has been administered.

It is a somewhat astonishing fact that these two men should have been discharged so promptly by the new commission. We are not surprised that the incident has created a stir in Washington or that it seems certain to be debated by the Senate.

Some effort is made to discredit the movement in behalf of which I speak by suggesting that it is an insurgent move. I do not know whether I am accounted a member of that class or not; but I am very sure that the Philadelphia Record can not be so regarded. It is as staid and conservative an old newspaper as the country affords. I have here an editorial from that journal, of date December 24, 1930, which I read. It is entitled:

WILL THESE DISMISSALS END THE FIGHT FOR REAL UTILITY REGULATION?

Voltaire was informed that the British had just court-martialed and executed a famous admiral who had displeased his superiors. "Pour encourager les autres," was his ironic comment.

That historic cynicism might well be whispered in Washington to-day in connection with the dismissal of Charles A. Russell, solicitor, and William V. King, chief accountant, by the Federal Power Commission.

The executive firing squad for the only two Federal officials who have consistently striven for effective regulation of public utilities and have courageously opposed practices of capital inflation by some of those interests.

A grim warning—well calculated "to encourage the others" in office who might be inclined to champion the public interest.

And well calculated to enlighten the country as to the reality of this "power question," which some say is the fanciful creation of a few insurgent Senators and corporation-baiting agitators.

Actually the problems of safeguarding both property and public rights in the power and utility fields has been developing for several years.

It has become steadily more urgent with the progress of amalgamations and holding-company mergers, which confront the Nation with approaching monopoly of some of the chief necessities of existence.

It has become a pressing issue in national affairs, and in many States by reason of the demonstrated weaknesses in regulation.

It has been made acute by repeated efforts of some combines to evade both State and Federal control.

And now it is accentuated by moves which will be widely regarded as indicating a virtual alliance between the Hoover administration and the interests accused of exploiting the public.

The Senate committee showed its uneasiness by close scrutiny of the five members of the new Federal commission, which was created by Congress to succeed the ineffectual body made up of three members of the Cabinet.

None of the appointees is of more than mediocre ability, and one or two were questioned sharply as to their alleged friendship with power companies. But the nominations were finally approved.

And the first act of the commission was to remove the two subordinates who have charged wholesale stock watering by some concerns and their protection by certain State regulatory bodies.

It was King and Russell who charged flagrant manipulation by the Clarion River Power Co., of Pennsylvania.

They produced figures to show that an actual investment of \$4,645,085 had been "written up" to \$11,032,816—an alleged inflation of \$6,387,731, or 137 per cent.

When the former Federal commission disallowed the \$6,000,000 of "blue sky" as part of the capital upon which the rates might be based the company sought an injunction.

Solicitor Russell recited his figures in court and accused the Public Service Commission of Pennsylvania of permitting an unconscionable gouge of consumers.

The company challenged the jurisdiction of the court. It held that neither Federal nor State authorities could subtract a dollar from any valuation it chose to assert.

The Pennsylvania commission, despite its discreditable record, denounced Russell and demanded his repudiation. He repeated his charges of neglect of duty, and Governor-elect Pinchot says they are "emphatically true."

But King and Russell are ejected from office with a promptitude which suggests that President Hoover selected his appointees to the Federal commission with that purpose especially in view.

The public has been assured again and again that there isn't any "power trust"; that there is no such thing as utility influence in governmental affairs or inflation in utility financing; that Federal control of utilities is a policy only little less dangerous than Government ownership; that State powers and State rights in such matters must be jealously preserved.

Yet here is the open challenge that neither Federal nor State authority can check the capital basis of rates, and that corporations or combines may charge what they please.

Here, furthermore, is notice that Federal officials who question the system will do so at their peril.

The Record is amazed at the hardihood of the administration in thus accentuating a policy of protecting and promoting practices which virtually nullify regulation and open the way to exploitation of the public.

But the Record is the more amazed that utilities which are honestly financed and conducted still seem by their silence to condone those practices.

In friendly concern it asks them whether it is shrewd politics or sound business thus to invite continued agitation against the industry and risk the good will they have earned.

Mr. President, reference was made here to the inflation in the capitalization of these companies and the lack of effectiveness in State regulation. When I went before the Interstate Commerce Committee in support of a resolution I introduced some years ago, asking for an investigation into the finances of these public-utility corporations, I was confronted by the chairman of the Pennsylvania Public Utilities Commission, who brought to bear in support of his contention a withered frame that excited the sympathy of everybody there, and who pretended to tell that there was no occasion for the investigation subsequently conducted by the Federal Trade Commission because the whole matter was being very carefully taken care of by the various State commissions.

Another matter, Mr. President:

An effort is made to center this matter upon the personality of Mr. Russell, who is an aggressive, forceful fighter, such a man as is needed to conduct these investigations so that they may have a real result; and Mr. King is rather kept in the background of public denunciation of the acts of these officers. Mr. King was engaged in this work, and doing it exceedingly effectively, before Mr. Russell ever came to the Power Commission. I called attention heretofore to a report made by Mr. King concerning the financial statement made by the Alabama Power Co. concerning the expenditures in connection with the Coosa Dam, in which Mr. King demonstrated four years ago that the expenditures in that enterprise were inflated by at least \$8,000,000. That, as I say, was before Mr. Russell came to the commission at all.

The Senator from Virginia [Mr. GLASS] inquired the other day, "Why limit this effort to reconsider to three of the commissioners? Why not take them all?"

I do not desire to go over the ground that was traversed when these matters were before us heretofore. I confine myself exclusively to those things that have transpired since as indicative of the fitness of these gentlemen for the positions they occupy and the propriety of their serving upon this great commission. I know nothing that has transpired since derogatory to either Mr. McNinch or Mr. Williamson. I address my remarks to the three members of the commission who, in indecent haste, took this course so easily subject to reprehension.

Mr. HASTINGS. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH of Montana. I yield.

Mr. HASTINGS. Before the Senator completes his argument I should like to inquire about the effectiveness of passing this resolution to reconsider these nominations. I understand that it is within the rules; but I wish to inquire of the Senator what is the position of the Senate with respect

to any nomination by the President where they have consented to that appointment, and so notified the President, and the appointee takes the oath of office. After that is there anything that the Senate of the United States can do about it, merely because the motion to reconsider is within the rules?

That is the thing that is troubling me. In other words, when the President sends here, for instance, the nomination of a justice of the Supreme Court, and it is passed upon by the Senate, and the President is notified the same day, and the justice of the Supreme Court takes his oath, I want to know how anybody, except by impeachment proceedings, can get that man off the bench.

Mr. WALSH of Montana. The Senator, then, thinks the Senate did not have any power to pass Rule XXXVIII?

Mr. HASTINGS. No; the rule is all right, but—

Mr. WALSH of Montana. But the Senator, as I understand, says the rule is nugatory, ineffective?

Mr. HASTINGS. When the Senate has passed upon a nomination, and the President has been notified, and the nominee takes the oath of office, I assume that the President of the United States is not bound, for instance, to know the rules of the Senate and not bound to wait until all possible opportunity for reconsideration takes place.

Mr. WALSH of Montana. That is where the Senator and I differ. Of course, everybody takes notice of the rules of the Senate.

Mr. HASTINGS. Do I understand the Senator to contend, then, that the President of the United States can not legally name anybody until the opportunity for reconsideration in the Senate has passed?

Mr. WALSH of Montana. He has already named some one.

Mr. HASTINGS. Having named him, does the Senator contend that he has been illegally named?

Mr. WALSH of Montana. No.

Mr. HASTINGS. Then how effective is the Senator's resolution if we pass it?

Mr. WALSH of Montana. Mr. President, the Senator is confusing himself. The Senate has not concluded its action. It has purposely withheld final determination of the matter under its rule. The President of the United States knows what the rules of the Senate are. The President of the United States knows that any action taken by the Senate in relation to the confirmation of a nomination may be reconsidered on either of the next two days of actual executive session thereafter. He is bound to take notice of it.

Mr. HASTINGS. Then the Senator does contend that the nominations of these people and their oaths of office are all nullities and illegal?

Mr. WALSH of Montana. Nobody questions the legality of the nomination. The question is, has the Senate finally passed on the matter?

Mr. HASTINGS. I ask the Senator the question whether these people have legally taken the oaths of office, and if they have, what can the Senate do about it?

Mr. WALSH of Montana. The oath of office does not bother anybody except one who wants to be bothered. The Senate rules expressly provide that any action taken by the Senate in relation to a nomination may be reconsidered. The Senate may change its mind about the matter, if a motion is made on the same day or on either of the next two days of actual executive session. The President of the United States, the appointee, and all are required to take notice of that, just as they take notice of the fact that the Senate has not acted in the first place.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. The question asked by the Senator from Delaware has been bothering me considerably, and, with great deference to the legal ability, the sincerity, and the frankness of the Senator from Montana, his answer is not quite satisfactory.

I would like to ask the Senator's view about this. Undoubtedly the rule which gives any Senator who voted with the majority a right to move to reconsider is a valid rule.

That rule, however, of course, like any other rule, may be waived by unanimous consent. When we pass on a nomination and vote by a majority to confirm, and the Vice President, from the chair, announces that the Senate advises and consents to the nomination, and announces that the President will accordingly be notified, no Senator objecting to that, is that tantamount to unanimous consent on the part of the Senate that the 2-day provision may be waived and the President notified of the nomination so as to authorize the taking of the oath of office?

Mr. WALSH of Montana. Mr. President, it is perfectly obvious that it is a waiver of the time prescribed by the rule for giving the notice, and that is all it is. The President would be notified in due course under the rule if no such action were taken. But we agree that he may be notified at once, so the waiver is only as to the time within which notice shall be given.

Mr. BARKLEY. Having done that, having given the consent of the Senate—

Mr. WALSH of Montana. That is, we give the consent of the Senate that he may be notified to-day instead of to-morrow.

Mr. BARKLEY. Instead of day after to-morrow.

Mr. WALSH of Montana. Yes; instead of day after to-morrow.

Mr. BARKLEY. And acting on that notice he issues a commission, and the appointee takes the oath of office. While we may under the rule have the right to reconsider our action, it is a very serious question in my mind whether our reconsideration of the action after all those steps have been taken and the appointment has been consummated can operate to deny a man the right to his office. That is a serious question, which bothers me.

Mr. WALSH of Montana. We undoubtedly waive the time within which the notification may go, but how does the Senator reach the conclusion that we waive the right to move for a reconsideration of the action?

Mr. BARKLEY. I do not reach the conclusion; technically, I think we have the right to move to reconsider, but having taken all the steps which involve a waiver of the suspension of the appointment pending that two days, I am wondering whether, after we have acted, if we should act, to reconsider, we will not have done a moot thing. It might express our own opinion as to what we wish we had done, it might condemn our own haste in agreeing that the President might be notified in advance, but whether legally it can be done is a serious question.

Mr. WALSH of Montana. We will cross that bridge when we reach it. We have not come to it yet.

Mr. BARKLEY. I know, but suppose the rule provides that the motion can not be made, where the President has been notified, unless there is a request for a return of the papers. Of course, if the President, acting upon that request, returns the papers to the Senate, it might or might not present a new legal consideration; but if he should decline to return the papers, in what position would the Senate be?

Mr. HASTINGS. Mr. President, may I ask the Senator from Montana another question?

Mr. WALSH of Montana. I would rather answer this question first.

Mr. HASTINGS. Very well.

Mr. WALSH of Montana. Of course, if the Senate is acting within its power under the Constitution, as I contend it is, I can not conceive that the President of the United States will refuse to return the papers. Of course, if he conceives that the Senate of the United States is acting in defiance of the Constitution, he will govern himself accordingly. But if he conceives that it is acting within its power—and I can not see how it is not, under the plain rules of the Senate—I can not conceive that he will not return the papers. I have endeavored to find out whether the House of Representatives, for instance, has ever declined a request of the Senate to return papers, and I have not been able to find such an instance.

Mr. BARKLEY. I am informed that it has done so. I want to say to the Senator that I am in entire sympathy

with his attitude in condemnation of the hasty action of these three commissioners in discharging the three men in question. I agree entirely with the Senator's position in that matter, as to the impropriety of it, and the suspicious circumstances surrounding it, but even so, I can not entirely rid myself of the difficulty which presents itself.

Mr. WALSH of Montana. Perhaps the Senator will find it easier if he reflects upon a situation in litigation. Let us consider a decree in equity, for instance. Under the rules of the court one has a week within which to move for a review of the conclusion of the court. He gives notice of it.

Mr. BARKLEY. But he can waive that right at any time during the week.

Mr. WALSH of Montana. He can, of course.

Mr. BARKLEY. He may take such action as to estop himself from the assertion of his right under the rule later.

Mr. WALSH of Montana. Yes; he could do so; but I do not know just now what he would do that would operate as a waiver of that right. I concede that he can, but I can not conceive that waiving the time within which notice shall be given to the President of the confirmation of a nomination operates as a waiver of the right to move for a reconsideration.

Mr. BARKLEY. If the Senator will suffer another interruption, what would be the reasonable object of the Senate in waiving the right to a 2-day period within which to notify the President? Why would it want to notify the President if it still had in the back of its head the idea that it was going to reconsider?

Mr. WALSH of Montana. I suppose because in nine hundred and ninety-nine out of one thousand cases we do not reconsider, so that they may go right on.

Mr. BARKLEY. The fact that it is nine hundred and ninety-nine out of one thousand does not seem to affect the principle involved. What was the object of the rule in saying that we can in some cases waive that 2-day suspension, so that the President may be notified and the appointment consummated by the issuance of the commission and the taking of the oath of office?

Mr. WALSH of Montana. The Senator will remember, of course, that the commission is mere evidence of the appointment.

Mr. BARKLEY. It is more than evidence, because if it did not issue the appointee could never begin the performance of his duty.

Mr. BORAH. Oh, yes, he could.

Mr. WALSH of Montana. The rule is otherwise.

Mr. BARKLEY. Suppose the President declined to issue the commission after the Senate had acted on an appointment?

Mr. WALSH of Montana. If he did that it would be tantamount to removal.

Mr. BARKLEY. It might be under the late decision of the Supreme Court, but under the decision in the Marbury case it would not.

Mr. WALSH of Montana. We have to proceed under the latest decision.

Mr. HASTINGS. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield to the Senator from Delaware.

Mr. HASTINGS. I wanted to ask the Senator whether he did not think that the purpose of the notice to the President was to give him the impression, at least, that the Senate had finally acted upon the appointment? Is not that the purpose of the notice, to show that the Senate has acted?

Mr. WALSH of Montana. No; I am sure that is not the purpose, because let us assume that there was no waiver of the notice at all, that the time simply elapsed and the two days expired, and the notice was given to the President, but in the meantime there had been no executive session of the Senate at all, and after the lapse of two days there was an executive session of the Senate and some one rose and moved to reconsider. The notice does not affect the matter of the reconsideration, in my mind, at all.

Mr. HASTINGS. Does the Senator contend that the President has to follow the proceedings of the Senate and

keep himself informed as to when it holds executive sessions, and when the time expires, and all that? Is not the President entitled to have some notice from the Senate, at some time, that it has finally acted on a nomination?

Mr. WALSH of Montana. It might be necessary to change the rules of the Senate, but they now provide as I have indicated.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. BORAH. Something was said about the part which the issuing of the commission plays in this matter. It is stated in the syllabus in the case of Marbury against Madison:

A commission is not necessary to the appointment of an officer by the Executive.

A commission is only evidence of an appointment.

Delivery is not necessary to the validity of letters patent.

Mr. WALSH of Montana. I think that point is settled.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BRATTON. It seems to me that if the notification goes forward within the 2-day period—that is to say, two days of actual executive session—it goes forward subject to the power of the Senate to reconsider at any time within the prescribed period. It is not an unconditional and irrevocable act.

Mr. WALSH of Montana. It seems to me that if we may reconsider after the 2-day period we may equally well reconsider after the 1-day period if the 2-day period has not been waived by the Senate. It does not seem to me that the direction of the Senate that the President be immediately notified changes the situation in any respect whatever.

Mr. WHEELER. Mr. President, I do not see why we talk about waiving the time, because as a matter of fact the RECORD does not show that we did waive the time. The RECORD with reference to the Smith case I will read. With reference to Garsaud there was nothing said about notifying the President, but with reference to Smith the CONGRESSIONAL RECORD of December 20, page 1276, reads as follows:

The PRESIDENT pro tempore. The Senate advises and consents to the nomination, and the President will be notified.

He does not say that "without objection, the Senate directs that the President shall be notified now." It simply says that he shall be notified. When? Not to-day, not immediately, but whenever, under the rules, I presume, he should be notified. With reference to Garsaud the RECORD shows that absolutely nothing was said with reference to the President being notified at all. So why the talk about waiving anything? The rule of the Senate provides, as a matter of fact, that one can make a motion that the President be notified, or I assume that if the President pro tempore had said, "If there is no objection, the President will be notified," that might have been considered a waiver. But there is no waiver in this instance, as I read the RECORD.

Mr. BROUSSARD. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. BROUSSARD. With reference to the statement made by the junior Senator from Montana [Mr. WHEELER], I claim that a statement was made in the Garsaud case similar to the statement made in the Smith case.

Mr. WHEELER. Let us read the RECORD.

Mr. BROUSSARD. I read the RECORD.

Mr. WHEELER. Let us read the RECORD on it.

Mr. BROUSSARD. I think the Journal of the Senate will prevail over the RECORD.

Mr. WHEELER. Let me read the RECORD on it. I have not consulted the Journal.

Mr. WALSH of Montana. I yield to my colleague.

Mr. WHEELER. The RECORD, page 1279, says:

So the Senate advised and consented to the nomination of Marcel Garsaud to be a member of the Federal Power Commission.

That is all the RECORD states about the matter.

Mr. BROUSSARD. I understand the Journal shows that the statement was made.

Mr. WHEELER. I do not know what the Journal shows, because I did not consult it. What I have read is what is shown by the report of the Official Reporter who was taking down the proceedings.

Mr. BRATTON. Mr. President, will the Senator from Montana yield again?

Mr. WALSH of Montana. I yield.

Mr. BRATTON. It seems to me that an analysis of the situation would lead to this conclusion: It is the affirmative vote of the Senate, in its finality, which gives validity to a confirmation. A notification to the President is merely evidence of the action taken by the Senate. If the notification goes forward within the 2-day period, it simply serves to notify the President that the Senate has voted affirmatively. But always it is conditioned upon the power of the Senate to reconsider within the prescribed time, namely, two days of actual executive session. If this notice went forward, in the meantime, it being merely evidence of the action taken by the Senate, it was accompanied with the condition that the Senate reserved unto itself the vested power to reconsider within the prescribed period.

It seems to me the notification to the President is of like consequence in this situation, it merely being evidence of the vote taken by the Senate and that vote being subject to the right of the Senate to reconsider.

Mr. WALSH of Montana. I think the position of the Senator from New Mexico is absolutely correct. The notice is merely notice that the Senate has voted in favor of the confirmation, but it still reserves the right, within the limited time of two executive sessions, to entertain a motion to reconsider the action.

Mr. BROUSSARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WALSH of Montana. I yield.

Mr. BROUSSARD. I think the situation presented would be similar to a case where a bill was sent from this body to the House. I would like to ask the Senator what would be his opinion of this situation: After sending the documents to the House and the House having taken action thereon, what effect would result from a motion to reconsider after the action of the House had been taken on the matter?

Mr. WALSH of Montana. I would not undertake to answer that, because that is quite a different situation.

Mr. BROUSSARD. I was trying to find the difference.

Mr. WALSH of Montana. I see no difference. There is no action in it by the President of the United States. As indicated, the title becomes complete upon final action of the Senate.

Mr. BROUSSARD. Without the notification from the Senate the President may not go further in the appointment. He is stopped. But when he is notified that is a different case, and so it is when a bill is sent from this body to the House. Before it is acted upon in the House we may move to reconsider and ask that the papers be returned. What would be the situation if the House acted before the motion was made in the Senate?

Mr. WALSH of Montana. I regard the action of the President in issuing a commission, if he did issue a commission, as entirely different from action in the House. It is mere evidence, while the other becomes necessary to the enactment of the legislation.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I yield.

Mr. BRATTON. Would the Senator from Louisiana contend, if a man were elected to a State office, that he had no title to the office merely because a paper called a commission failed to issue? A paper called a commission is just evidence of his election to the office and consequently his title to the office.

Mr. WALSH of Montana. And it may be impeached.

Mr. BRATTON. Yes; it may be impeached. The issuance of the commission is no title to the office. It is merely evidence of the action taken.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. Based upon that suggestion, then, the issuance of the commission plays no part here; but where the President nominates and the Senate confirms and the President is notified, assuming the commission is not necessary, but acting upon the notification of the Senate he takes the oath of office, then do we have any right to act?

Mr. BRATTON. I give the Senator the benefit of my opinion, and it is only my opinion, and that is that if he takes the oath of office within the time allotted to the Senate under its rule for reconsideration, he takes the oath of office conditional upon the power of the Senate to reconsider. If the Senate reconsiders within the time, he has no title to the office.

Mr. BARKLEY. There has been no decision of the Supreme Court upon that point that I know of.

Mr. BRATTON. No; none about which I know anything.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to his colleague?

Mr. WALSH of Montana. I yield.

Mr. WHEELER. There have been a number of decisions by courts holding substantially that very thing; that is, that a man gains no vested right in the office provided that he takes the office subject to some future condition taking place. There are innumerable cases to that effect.

Mr. BRATTON. Mr. President, if the Senator from Montana will yield further to enable me to make an additional observation to the junior Senator from Montana—

Mr. WALSH of Montana. I yield.

Mr. BRATTON. I do not think taking the oath of an office gives title to the office. Title to the office depends upon a nomination by the President and confirmation by the Senate, and until the Senate has acted in the final degree no title to the office exists or, at most, it is only a conditional title to the office. If during that interim the nominee takes the oath, I think he acquires no additional right, nor does he foreclose the Senate from its power to reconsider.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. If a man is elected to office and has a majority of the votes and the result has been certified and he takes the oath of office, that oath of office would be subject to the right of any contestant under the law. He does not waive his right later in a legal procedure to deprive him of whatever claim he may have to the office. Of course, that is not a parallel case, but using it as an analogy, the Senate having completed its confirmation and having notified the President, does that notification operate as such a waiver on the part of the Senate that a man has the right to go ahead and take the oath of office and enter upon the discharge of his duties?

Mr. BRATTON. I should say that it is not quite accurate to say that the Senate had completed its action in the premises. It did confirm, but subject to the right to reconsider, and until the permitted time within which to reconsider has passed it had the power to reconsider and consequently had not completed the matter.

Mr. WALSH of Montana. It is not so much a question of action taken by the Senate in this matter as that the right of the Senate to take action has been questioned. Perhaps a reference to Throop on Public Offices, section 89, may help us in arriving at a just conclusion. This is entitled "When Appointing Body May or May Not Reconsider its Action," and reads:

Where the two branches of a city council meet in joint convention for the purpose of appointing a city officer, and the ballots are taken and counted, but before the result is declared the meeting agrees to vote anew, and thereupon another person is chosen, the second appointment is valid. But it was held in

Maine that after a city officer has been declared to be chosen by the board of aldermen, and the declaration recorded, the board can not at any adjourned meeting, held the next day, reconsider its action and choose another. In New York, where the supervisors of a county, under a general statutory power to make rules for the conduct of their proceedings, adopted a rule that a motion for reconsideration might be made by any member, but only on the same day or the day following that on which the decision proposed to be reconsidered was made; and on the 2d of January a resolution was adopted appointing B librarian for the year, and on the 3d of January a motion to reconsider that resolution was made and adopted and on the 4th the resolution was rescinded, and on the 7th a resolution appointing K librarian was adopted, it was held that K's appointment was valid.

Mr. President, of course the Constitution authorizes and empowers the Senate to make rules for the regulation of its business. Pursuant to that power granted this body by the Constitution, it made this rule to the effect that the confirmation is not final until after the time has elapsed within which a motion to reconsider may be entertained by the Senate.

Mr. BLACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. I yield.

Mr. BLACK. Does the Senator think it would be possible to make such a radical departure from the usual custom as to imply that Senators had waived a rule without some express statement from the Chair informing Senators that a waiver was anticipated or requested? As I gather it, the idea seems to be that because the statement is made that the President would be notified, that would be a waiver of an express rule of the Senate which has been in effect for years.

Mr. WALSH of Montana. Let me remark that unquestionably it is a waiver of that rule which provides that the President will be notified after the lapse of two days.

Mr. BLACK. That is a different rule.

Mr. WALSH of Montana. We have waived that rule; but who can assert that we have waived the rule which gives any Senator within two days the right to move a reconsideration?

Mr. BLACK. That is a different rule; and if I properly construe it, a majority of the Senate could notify the President by motion to that effect; but that would not suspend the rule, showing that the two are entirely separate and distinct. It would have to be expressly put to the Senate as a waiver of the rule, and not as a waiver of a separate rule with reference to notice.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. GOFF. I would like to ask the Senator from Alabama if it is his contention that the Chair should instruct the Senate as to the legal effect of any action or of any language used the deduction from which leads to an irresistible legal conclusion?

Mr. BLACK. I will answer that by saying that I have never considered it to be the duty of the Chair to do any such thing.

Mr. GOFF. I understood the Senator to say so.

Mr. BLACK. No; the Senator misunderstood it, and that is due to the Senator, and not to what I said. I have never understood, however, sitting here as Senators, that when the Chair asks something which is indicated as a waiver of one rule, we would thereby be compelled to believe that it would amount to the waiver of an entirely separate and distinct rule with an entirely separate and distinct number in the list of rules. There are two rules, one providing for reconsideration and one providing for notice to the President. Notice to the President can be given by majority vote of the Senate while a motion for reconsideration is pending. That does not mean that we have waived our right to reconsider. They are two separate and distinct rules affecting two separate and distinct subjects; and when it is submitted to the Senate that we shall waive the rule with reference to giving notice, that does not indicate nor imply nor is anyone entitled to deduce that we are thereby waiving another separate and distinct rule with reference to reconsideration within two days.

Mr. GOFF. I thank the Senator from Montana, and when I take the floor in my own right I shall reply to what the Senator from Alabama has just said.

Mr. WALSH of Montana. Mr. President, I regret to be forced to the conclusion that the responsibility for this action which I have criticized rests almost exclusively upon the shoulders of Dr. George Otis Smith. He alone among the members of the commission was in a position to know much, if anything, about the controversy which gave rise to the dismissals. He doubtless knew, by reason of his position in the department, pretty much of the details of the controversy. The other gentlemen in all probability were quite ignorant about them. I am not able to accept the conclusion that this was simply a kind of "bonehead" thing that almost anybody might be guilty of once in the course of a lifetime.

Doctor Smith is a very able man. He has served the Nation excellently in his position as head of the Geological Survey. I have had abundant occasion to come in contact with him. I hold him in the very highest esteem. I was glad to vote for him. I felt by reason of his associations and his past record that he was wedded to the idea of conservation of our natural resources and opposed to the exploitation of them by private corporations and interests. But I have endeavored to find some explanation of his conduct in this case that would in a way extenuate what I regard as the offense and confirm me in the opinion that I had before with respect to the propriety of his appointment to this office. But I am unable to reach any conclusion except one of two, either that he acted under direction from some higher authority or that he is wedded to the views concerning the disposition of our power resources for which Mr. Bonner stands; and if he is, I think he is unfit for this place.

With respect to the other two gentlemen who participated in this action, if they can be hurried into action of this character without any information on the subject at all or the rights or wrongs of the controversy just simply because Doctor Smith represented the situation to them, I think they are equally unfitted for the position, and accordingly I shall join in the proceeding to reconsider the vote by which all three were confirmed.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States making nominations, which were referred to the appropriate committees.

REPORTS OF POSTAL NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

DROUGHT CONDITIONS IN OKLAHOMA

As in legislative session,

Mr. THOMAS of Oklahoma. Mr. President, I send to the desk two telegrams and a reply to those two telegrams, which I ask unanimous consent may be read.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the telegrams will be read.

The Chief Clerk read as follows:

ALTUS, OKLA., January 5, 1931.

Senator ELMER THOMAS,
Washington, D. C.:

Read article on page 3, to-day's Oklahoman, regard to farmers' riot in Arkansas. We are afraid of such here and sympathize with them to the fullest extent. Urge farm relief measure to include food and fuel and publish same immediately. Conditions more serious than anticipated. We will work with you, but for God's sake do something now.

H. T. KIMBELL,
Chairman Jackson County Drought Relief Committee.

OKLAHOMA CITY, OKLA., January 6, 1931.

Senator ELMER THOMAS:

We believe food riot at England, Ark., might be repeated in any one of dozen Oklahoma counties. Believe great need is apparent in other States; urge Congress to make food loans available for administration through Red Cross to avert serious developments which may be anticipated before spring unless steps taken to feed helplessly.

THE DAILY OKLAHOMAN AND OKLAHOMA CITY TIMES.

H. T. KIMBELL,

Chairman Jackson County Drought Relief Committee,
Altus, Okla.:

Replying to message, advise that on yesterday the House passed bill appropriating \$45,000,000 for relief purposes. Bill came to Senate immediately, wherein we added \$15,000,000 additional to be used for purchasing food. Bill now goes to conference. This morning's Washington papers state that House leaders plan to reject Senate proposal indicating that President and Secretary of Agriculture are likewise opposed to any funds being appropriated for purchasing food. Representations made here that Red Cross can and will take care of task of feeding needy people. Administration leaders are apparently insensible to extent of distress throughout country and are apparently unaware of the near state of revolution that exists in many sections of drought-stricken areas. Will continue to support proposals for relief of our suffering population.

ELMER THOMAS.

FAITH CURES FOR UNEMPLOYMENT

Mr. COUZENS. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the American Mercury for the current month entitled "Faith Cures for Unemployment," by Abraham Epstein.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Mercury for January, 1931]

FAITH CURES FOR UNEMPLOYMENT

By Abraham Epstein

It was a shrewd English industrialist who, upon his return from a visit to the United States about a year ago, observed that the main difference between American and British men of his order was that while the latter were always decrying their Government and complaining about the state of business, the Americans merely doubled their exports of buncombe when times were bad. Great quantities of this commodity have always been consumed internally in the United States, but since foreign countries, in retaliation against the Grundy tariff, have reduced their importations of it, the domestic consumption has multiplied a hundred-fold. Producing hokum, indeed, is to-day the only really prosperous industry in America.

Never has our national capacity for swallowing it been more strikingly revealed than since President Hoover, one bright morning, discovered that there were 3,500,000 unemployed in the United States—apparently a million more than the night before. For nearly two years all our elder statesmen had held fast to the belief that the sure way to cure the unemployment disease was to deny its existence. Despite constantly mounting returns since early in 1929, the administration refused to acknowledge that the problem was serious until a few weeks before election. It remained unperturbed, indeed, even when the business-activity index in September reached a new low point "in the provisional figure of 78.3, which was 3.3 points below the 81.6 which marked the low point in March, 1921, of the great depression of that year." The national medical board, composed of Secretaries Davis, Lamont, and Mellon, kept up a stream of encouraging bedside bulletins, all to the effect that recovery was just around the corner.

When it finally dawned on official Washington that the return of prosperity had been somewhat delayed and was not likely to come before Tuesday, November 4, an urgent call was made for a Moses—to wit, for Col. Arthur H. Woods, who in the 1921 crisis had displayed his genius as a restorer—to hurry to the rescue. Colonel Woods responded without delay; but being tongue-tied like his biblical predecessor, he called in his smooth-tongued brother Aaron—Mr. Edward Bernays, high priest of publicity directors—to speak for him. With the arrival of the two eminent virtuosi at the Capital, the flourishing American hokum industry began a boom. As a result of their performance, in fact, half of the American people were kept so busy ingesting optimism that the problem of the unemployed practically solved itself—in the newspapers, at least. At once the great automobile industry of Detroit began to reemploy a few thousand of its nearly 100,000 idle men; New York, by gigantic efforts, found jobs for about 5,000; half a dozen home owners in Kalamazoo inaugurated a roof-mending drive; and the farmers of Kansas employed three or four painters to spruce up their barns.

About three weeks before election the American press, which, outside its financial pages, had always minimized the depression, blared forth with front-page appeals to the entire country—men, women, and children—to arm itself against the great and sudden national enemy. Above all, the people were called upon to organize themselves into boards, councils, and committees. The result was a luxuriant growth of confidence-week committees, pep committees, buy-more clubs, better and bigger bread-line associations, and give more, spend a dollar a week more, spend \$5 a week more, start your factory going, improve the national frame of mind, give a job, eat steak instead of eggs for breakfast, keep money in circulation, and ride in taxis instead of walking organizations. One new committee a day, urged Washington, and prosperity would be bound to return.

Hundreds of statesmen and industrial leaders rushed to the press with statements brimming over with free advice to buy

more, just as before the stock crash they had counseled us not to sell America short. The mathematically inclined Edward E. Shumaker, president of the R. C. A.-Victor Co., computed that "if every industry in the United States that is now closed down or working part time would resume normal operation, we would almost immediately have prosperity, despite the fact that this depression is world-wide. If every wage earner in the United States would buy now to the extent of an additional 15 cents a day, it would release enough capital to employ a million unemployed at \$5 a day. It would mean \$2,190,000,000 back in circulation each year. The difference between prosperity and hard times in the country, after all, is only the additional expenditure of \$1 a week per capita."

Mr. Shumaker's calculations led him to conclude that "a steady job is the best reason for not fearing the future that anyone can have." And the chain-newspaper owner, Paul Block, printed his words of wisdom as a leading editorial on the front pages of his publications. Even Senator-elect Dwight W. Morrow cautioned us that "this propaganda of hoarding money must cease."

Indeed, the response to Washington's appeal was so excellent that it soon became necessary to establish special supercommittees to bring order into the chaos of the innumerable committees. According to the New York Times, the New York central committee was appointed for the purpose of coordinating the "efforts and program" of "34 private relief agencies; the department of public welfare (which, by the way, subsequently declined to be coordinated on the ground, in the words of Mayor James J. Walker, that 'we can not wait for conferences when people are hungry and in danger of being dispossessed'); the board of child welfare; 14 private agencies providing lodgings and care for the homeless, as well as the municipal lodging house; 32 non-profit-making employment agencies and the municipal and State employment bureaus; various emergency organizations including the emergency employment committee, the mayor's emergency committee, the Salvation Army, and other organizations conducting bread lines; newspapers engaged in relief work; associations of churches, ministers, individual churches, lodges, civic bodies, luncheon clubs, settlements, the Lower East Side Community Council, and others."

In some places demands were made for the organization of additional coordinating committees to coordinate the coordinating committees. Indeed, if membership in all such clubs and committees had been on a salary basis, and limited to the unemployed instead of to the already overworked, the problem would have been solved automatically.

II

Ridiculous as this behavior may seem, it was but a natural result of the infantile social outlook prevailing in the United States, and the national weakness for highly flavored economic theories—especially theories hot from the oven. During the prosperous days we developed a new economic theory of optimism and gave it our entire trust. It was only a few years ago that a Harvard professor discovered this theory. It was based primarily on the ancient doctrine of a chosen people, to which the Jews have laid claim unsuccessfully for over 3,000 years. The Almighty, in His infinite wisdom, it appeared, had placed a protecting hand over the United States, so that no possible evil could befall us. The country, we were told, was immune from the social and economic ills which plagued the unregenerate nations. All disease germs, of course, whether physiological or economic, were everywhere the same. But while abroad the most elaborate medical care and sanitation had to be resorted to, we were solemnly assured that a few doses of pap would suffice to allay every sort of economic fever in America.

It was the contention of these Pollyanna economists that though we were an industrial country like the nations of western Europe, and though our workers were confronted with the same hazards resulting from modern production—unemployment, accidents, invalidity, old-age dependency, widowhood, and orphanage—there was, nevertheless, no need in the United States for facing these problems. All the economic metaphysicians were sure that because of our "sturdy individualism," a more refined texture underlay our industrial society, and that no evil could really trouble the American people.

A beautiful structure in the air was thus erected on a base of nonsense. The rock upon which the new economic theory was raised was the statistical average, by means of which more crimes have been committed than by the whole corps of Chicago gunmen. By adding all the incomes in the United States and dividing by the population, each and every family in the land was "statitized" into an "average" income of at least \$3,000 in 1928. This method of calculation gave Henry Ford and me the same incomes—but naturally I could not collect quite as much as he did. The millions of workers whose annual wages never amounted to \$1,500 were persuaded that, in reality, their family incomes—if their wives and babies were taken into consideration—were, statistically speaking, many times that amount, and that there was no limit to their further earnings.

The presumably high American wage rate was the most important pillar of this castle in Spain. No consideration, of course, was given to high rents and food bills, to high medical costs, to long periods of unemployment, to seasonal occupations, and to the constantly rising standard of living. The high-wage theory was talked and bragged about, despite the fact that even in the best wage-paying State, New York, in the heyday of prosperity, the average weekly earnings of factory workers—a legitimate statistical unit—when they worked, never exceeded \$29.99 during any one year!

Our bankers, meanwhile, saw their safes grow bigger and bulkier. It was comparatively simple to add the workers' small savings to the business men's large time deposits, divide the total, and draw the conclusion that there was a "savings" deposit of more than \$200 for each of us, and that in the 15-year period ending in 1927 our per capita "savings" deposits had trebled, while the number of depositors had quadrupled. The fact that the so-called savings increases during this period amounted to over 400 per cent in the national banks, to over 300 per cent in trust companies, to 350 per cent in State banks, and to only slightly over 100 per cent in the mutual savings banks—the real depositories of the working masses—was conveniently overlooked. And so was the fact that the dollar dropped 50 per cent in purchasing power between 1912 and 1927. A theory that "workers' capitalism" was impending was propounded in the face of the fact that from 1911 to 1924 actual average savings rose by but 27 per cent for the entire Nation and by but 20 per cent for thrifty New England.

So enrapturing did the American scene appear that Lewis E. Pierson, chairman of the board of the American Exchange-Irving Trust Co., declared in an interview in 1928 that—

"The people of America have more money than they know what to do with. * * * Nearly everybody in America has more money than he needs to live. * * * There are more millionaires than ever before, but there are fewer beggars. * * * It did come suddenly. A dozen years ago we were comparatively poor. Many of us, individually, were actually poor, in distress and want. To-day, in America, poverty in the true sense is practically unknown. * * * Everybody has money. It is the commonest thing there is. You have it; your neighbors have it—more money than you ever had before."

"This condition," continued Mr. Pierson, "has arisen because of the discovery of an economic secret that by increased production at lower unit cost the manufacturer is enabled to increase wages and widen his market for commodities, thus accomplishing 'the seeming paradox of lifting himself by his own bootstraps.'"

When, at about the same time, it was discovered that scattered groups of wage earners were being persuaded or cajoled into buying stock in the corporations by which they were employed the cabalists quickly concluded that, regardless of the growing centralization of wealth and the frequent mergers, it would be a matter of only a few years before the American workers would own our industries. This, they proclaimed, constituted an "unprecedented economic revolution." It followed from this that we could never have capitalistic control in this country since "we were really on the road toward true socialism."

As a matter of fact, only 1 in every 25 industrial wage earners, including managers and executives, was buying corporation stock, and the total value of the purchases of such persons reached no more than 1 per cent of the stock outstanding. But since these wage earners, during fifty-odd years of industrialism, had thus acquired 1 per cent, it was easy to forecast that in a few years more they would secure control of the remaining 99 per cent. Meanwhile the new economic paradise was to be helped in, the wizards told us, through the instrumentality of the growing labor banks. Unfortunately, most of these banks have since gone into bankruptcy or shut up shop.

Before that fatal Thursday in October, 1929, we were assured that every American man, woman, and child was wallowing in such wealth that all were gambling on the stock exchange. However, shortly after the crash Dr. Julius Klein, Assistant Secretary of Commerce, declared that "no one knows the number of persons engaged in this speculative activity, but even if we accepted the apparently liberal estimate of some nonofficial observers who place the speculative accounts at about a million, these would still involve less than 4 per cent of all the families in the entire Nation. Or if we put it on the basis of individuals, the ratio would be less than 1 per cent of the total population." The Nation as a whole, he consoled us complacently, was as "sound" as ever.

In an article in the American Mercury for September last I showed how flimsy was the claim made a year or so ago regarding the extent of life insurance in the United States. Men of vision boasted and raved about the 95,000,000 insurance policies in force in this country and Canada. They forgot to add that 72,000,000 of these policies were in industrial insurance, with an average face value of \$197.50, or less than half the average cost of the funeral which such a policy is supposed to cover, while even the ordinary life policy, on the average, was for only about \$2,500.

III

Is it any wonder that a nation fed assiduously for almost a decade on such rubbish should continue to believe in it despite the shrieking facts which belie it? Our attitude has changed only in this respect: A little over a year ago we were merely sentimental; to-day we are hysterical. Not many of the bewildering number of proposals and remedies announced officially or unofficially since unemployment was tardily admitted to be a problem have been more than ludicrous. Essentially they all fall into three categories: (1) The half-witted; (2) the socially dangerous; and (3) the half-baked.

1. In the first group may be included confidence buttons and weeks; bigger and better bread lines, with special lines for women and children; "Buy now," whether you need it or not; "Spend \$5 a week more," whether you have it or not; "Spruce up, clean up, and wash up," or "Let us all take in one another's wash"; "Let all the unemployed sell apples and all the employed eat them"; "What the country needs is a spending spree"; "Start your factory going," whether you have orders or not; "Give a job till

June": "Get the football teams to play post-season games"; "Improve the traffic signs"; and "Let's have two post offices" where we now have one—an adaptation of the earlier and still-born two and three car family plan.

2. To the second category belong many of the latest programs for providing relief for the destitute. There seems to be a concerted drive to place upon the poorest among the employed the burden of their unemployed brethren. They are asked to stagger their employment or to share their jobs and their salaries with the idle. Certain other helpless classes of employees are entreated and cajoled to contribute a portion of their earnings. With the little they have left they are urged to go on a spending spree.

A committee organized in New York, and composed of 24 members, of whom 16 are bankers, 2 brokers, and 4 bank directors, devised the plan of sending 10,000 of New York's hundreds of thousands of unemployed into the parks at \$3 a day for five days a week, later changed to three days a week at \$5 a day. This apparently humane scheme is obviously fraught with the greatest social danger. If 10,000 men are put to work at \$15 a week, while millions of the workers now employed have their working week reduced to three or four days at the regular daily rates, what will happen to our boasted high wages? What will become of our high standard of living? Where is our increased purchasing power to come from? And what assurance is there that the millions of workers, once reduced to a standard of \$12 or \$15 a week, will ever be able to fight their way back to their former standard?

Is it not strange that the first public suggestion of the necessity for a reduced standard of living came at the last convention of the American Bankers' Association? President Hoover himself was forced to digress from his prepared speech before that convention to scold the bankers for their open heresy. True, their brethren in New York City have promised to raise \$150,000 weekly to provide work in the parks for 10,000. But what about the bulk of the unemployed who can not be crowded into the parks?

With the best and most ingenious minds of the Nation struggling heroically with this monster of unemployment, the simple fact that in 1928 only \$50,000,000,000 of the national income of \$90,000,000,000 went for wages and salaries has been curiously overlooked. Since the lowly wage earners are now called upon, in the name of mercy, to assist the involuntarily idle, should not something be done about the \$40,000,000,000 received by non wage earners? But so far as I know, no suggestion has come from our official saviors for the use, through taxation, of a portion of this non-wage-earning income for a nation-wide program of unemployment relief, which might conceivably increase purchasing power effectively and help restore normal conditions. When unemployment became serious in Canada, a recent special session of Parliament appropriated \$20,000,000 for a relief program. But the first step taken by Congress in the present emergency was to grant a generous relief contribution—in the form of an income-tax reduction of \$160,000,000. To whom? To the unemployed or the destitute? Not at all. To the richest of our people, who had no need of any such benefit.

Some cautious souls, indeed, seem to be desperately afraid lest a really fundamental relief program win favor. For example, the learned elder Will H. Hays, of Hollywood, warns against hasty action, since "prosperity with a record of no doles, without pauperization, and without onerous taxation" [the italics are mine] "is bound to return." And the philanthropically inclined Walter S. Gifford, president of the American Telephone & Telegraph Co., does not want us ever to think in terms of relief legislation. According to the New York Times, he was lately urging assistance for "the needy in what he said was the best way, a 'typical American way,' for individuals and groups to come forward of their own initiative and help through the medium of welfare agencies with their trained and experienced personnel."

Similarly the prophetic Roger W. Babson reveals his regard for social stability by advising us to organize instruction classes for the unemployed. "Such classes," he says, "would take up the slack" and serve "to keep up the morale of men and women to whom the dreary repetition of daily trudging sidewalks looking for jobs, when there are no jobs, is a tragic reality."

The venerable Martin W. Littleton was even more candid. After the New York State Chamber of Commerce had been assured by its president, during its annual after-dinner speechmaking period, that "Federal, State, and municipal efforts to relieve unemployment are producing results," he attacked Senator WILLIAM E. BORAH for his recent statement that "no dollar in the Treasury is sacred as long as a single hungry man walks the streets unemployed." Mr. Littleton warned the business men that "no dollar in the Treasury is sacred as long as public men intrusted with its keeping entertain those views." Growing effusive, he went on: "It is not the function of government to set itself as a judge as to when men are hungry and when they should be paid." He cautioned against humanitarian zeal permitting the Government to expand and take over the rights and duties of individuals.

3. Among the other solemnly offered "solutions" are the half-baked suggestions that the "stabilization of industry," the "scheduling of production," and public works will "abolish" the unemployment problem.

The shortcomings of all these proposals are obvious enough. For nearly 15 years certain companies have been cited as having "stabilized" employment. But an examination of their stabilization programs shows not only that the claims of their achievements are greatly exaggerated but that practically all of them

represent small industries of types which lend themselves to the relative regularization of work. Since we are much given to abstractions, a certain soap company can readily effect greater production stability than can, let us say, a ladies' tailoring establishment, ruled by fashions dictated from Paris, which vanish almost as quickly as they appear.

So long as tomatoes and peaches and pumpkins insist on growing at special seasons of the year, the canning industry can never be stabilized, all our great economic experts to the contrary notwithstanding. So long as the Republicans will increase the tariff, and the Democrats pretend to reduce it, American manufacturers will adjust their productive capacities accordingly. Likewise the automobile industry, which provides bread, and sometimes also oleomargarine, to about 4,000,000 people, can not be stabilized and regulated under our present competitive production methods. As the New York Times said recently: "Never, so long as summer gives way to winter and depression follows feverish prosperity, will every laborer be able to work every week every year."

The individual employer is just as much a victim of this anarchy as the individual workman. No special incentive is necessary to prod a manufacturer into keeping his factory going day and night. He would gladly do so if he could. But if orders do not come in, no amount of moral suasion will make him open his gates. To anyone who has the slightest knowledge of the chaos essentially inherent in modern industry, the notion of stabilization as a means to prevent unemployment is naive.

While public works may temporarily help somewhat to alleviate the evil, the plan is, at best, only a minor form of relief and not a preventive. Public works' programs are, in their nature, strictly limited by public demand and taxation. Certainly it would not be profitable to put unemployed teachers, clerks, plumbers, and printers on the roads with pick and shovel.

IV

Is there, then, no solution? No and yes. There is, of course, no way of "abolishing" unemployment. It is as inherent in our social and economic system as the machines and overstocked shelves which are at the bottom of the trouble. Promises to wipe it out will prove no more fruitful than Mr. Hoover's pledge two years ago to "abolish" poverty. So long as we follow a laissez-faire system of production with no central planning; so long as we permit and encourage every manufacturer to undersell every other one; so long as we constantly introduce new and more efficient machinery; and so long as most of our industrial wage earners receive a wage bearing no relation to their productivity, we shall have unemployment.

Under present conditions, the problem, instead of lessening, will grow more intense as the years go by. But while we can not "abolish" unemployment, we can, at least, alleviate some of its evils and ameliorate the destitution and tragedy following in its train. Before we can do this, however, we must stop talking about its "abolition." Propaganda by a national research organization to the effect that while in Great Britain "unemployment has become a continuous feature of economic life, * * * in this country such conditions arise only from time to time," will not be helpful.

Americans must quit fooling themselves into believing that somehow this disaster has sprung upon us overnight, like a flood, and that we may appeal to the Red Cross to rescue the refugees. Like sensible people we must face the problem realistically and stop behaving in a way which serves as the most eloquent proof of our simian ancestry. Ever since the beginning of American industry we have had unemployment. We shall continue to suffer from it as long as the present industrial system prevails.

According to the Twelfth Census in 1900, 5,277,472 out of 23,753,836 gainfully occupied male Americans 10 years of age and over, or 22 per cent, were without work for a certain period during the year; and 1,241,492 wage-earning females out of a total of 5,319,397, or 23.3 per cent, were unemployed for some time during the year. Thus 6,468,964 persons out of a total of 29,073,233 were unemployed for certain periods during the year. The same census revealed that more than 2,550,000 of these men and women were out of work for from 4 to 6 months, and approximately 736,000 for from 7 to 12 months. A year later, in 1901, 49.8 per cent, or about half of the 25,440 heads of families investigated by the Bureau of Labor, were idle for some period during the year. And in 1910 the New York State Commission on Employers' Liability and Unemployment, after studying the extent of enforced idleness in the State of New York, concluded:

"While there is little accurate information available as to the exact number of unemployed at any one time, there is enough to show that about 40 per cent of our wage earners suffer some unemployment every year, that on the average they lose 10 weeks each, and that the loss in wages amounts to 20 per cent of what the earnings would be were employment steady throughout the year."

In 1918 the Helen S. Trounstein Foundation prepared a careful study of unemployment fluctuations. This survey covered the period from 1902 to 1917. Summarizing his findings, its investigator concluded:

"The number of unemployed in cities of the United States (entirely omitting agricultural labor, for which no reliable data are now available) has fluctuated between 1,000,000 and 6,000,000. * * * The average number of unemployed has been 2,500,000 workers, or nearly 10 per cent of the active supply."

In a report issued in 1922 the National Industrial Conference Board estimated the normal number of unemployed among the 12,800,000 workers in American manufacturing and mechanical industries at about 1,800,000, or approximately 14 per cent. The

average number of days lost by each industrial wage earner was about 42 a year, representing 14 per cent of his working time. After a comprehensive study of industrial employment in 1922, Dr. Ernest S. Bradford said:

"Industrial wage earners in those States for which data are available lose about 10 per cent of their working time through unemployment, mainly from lack of work and exclusive of idleness due to sickness and labor disputes. On this basis, an average of at least 1,500,000 industrial wage earners in the United States are constantly unemployed, taking poor and prosperous years together. * * * From such data as are available, it appears that partial unemployment, due to part-time operation of plants, shutdowns, time lost on account of waiting, and related causes, is responsible for a loss of about 10 per cent more of the working time of industrial wage earners."

"According to the President's committee on recent economic changes, the number of unemployed in 1920—a year of the greatest employment in time of peace—was 1,401,000. In the "normal" year of 1923 there were 1,532,000, while in the "prosperous" years of 1925 and 1927 the idle numbered 1,775,000 and 2,055,000, respectively. At the present time the estimates range from 3,500,000 to 10,000,000, depending upon the estimator's politics.

Once we look at the question realistically, we can discover certain more or less promising methods of alleviation. We can certainly abolish bread lines, as every other nation has done. We must discard the magic and misleading incantation: "We do not want the European dole system." The inference here has not a word of truth in it. We are to-day the only industrial nation really on the dole. Our entire present scheme of relief is based on the most degrading form of charity. There are no bread lines in the whole of Europe, for all its relative poverty. Well may we ponder the courageous words of Father John A. Ryan:

"When I think of what has been happening since unemployment began, and when I see the futility of the leaders, I wish we might double the number of communists in this country, to put the fear, if not of God, then the fear of something else, into the hearts of our leaders—not only our industrialists but our politicians and statesmen. I don't care how far you go in the list of politicians and statesmen, either."

To alleviate unemployment we must first have real leadership and a new outlook. It must be based upon reality, not upon Pollyanna propaganda, "faith," or "confidence." No competent and permanent solution can be effected unless it embodies the following:

1. A real knowledge of the number of the unemployed and of the length of their unemployment. It does not at all befit our present administration to become hysterical now when only a few months ago it refused to approve proper appropriations for Senator WAGNER's bill, which would at least have given us the exact number of the unemployed, without which nothing constructive can possibly be done.

2. Unemployment exchanges, so that the job and the unemployed worker may be brought together.

3. Stabilization of those industries which can possibly be stabilized.

4. As much public work as is needed, so that some workers may find employment in this work.

5. Adequate old-age pensions, so as to remove the veteran workers from the bread lines and from overcrowding the unemployment bureaus. They should be rewarded for the services which they have given us—a debt we owe to them and which we alone of all industrial nations have as yet refused to acknowledge. The aged workers constitute a very large proportion of the present unemployed. It is estimated that about 750,000 persons would be immediately eliminated from industry by a pension beginning at the age of 65, and that thereafter at least 150,000 persons could leave industry annually.

6. The raising of the working age of children so as to eliminate their competition from the labor market, provide their fathers with jobs, and help them to become better citizens and give them a better start in life. There are still about 1,000,000 children between the ages of 10 and 16 employed in the United States.

7. We can introduce the 48-hour week in American industry. While it is now the fashion to talk of the 5-day week and the 6-hour day, it is worth remembering that the great masses of workers in the United States still work more than 8 hours a day, and that many still work 10 and 12 hours a day for seven days in the week.

8. Wages should be raised so as to give the workers a greater amount of purchasing power and make it possible for them to consume more of the goods they produce.

9. Let us inaugurate a nation-wide and state-wide housing program. While thousands of apartments are vacant in most of our cities, millions of workers are still living in slums. A subsidized housing program for working-class families would help us back to prosperity.

10. Last, but not least, we must inaugurate a national system of unemployment insurance which would provide adequate funds to take care of the inevitably unemployed. The adoption of such a plan would wipe out the bread lines overnight and restore self-confidence and respect to millions who are now dependent upon "scientific" charity and apple sales.

One fundamental principle must underlie the entire program. It is neither fair nor possible to place the burden of unemployment entirely upon those who can least afford to bear it. The social and economic load must be distributed on the widest possible number and must be shared by those classes which can best afford to bear it. Charity appeals, even if promoted by high-paid

publicity agents, will not meet the problem. For every rich person who is a generous giver there are scores who never contribute a penny. The wealthy are the first to tighten their purses when depression sets in. The chairman of the Newark Community Chest drive, which failed by \$200,000 of its goal, recently declared that "factory employees, office workers, and retail-store clerks have oversubscribed the quotas assigned them. Only in the ranks of the well-to-do is there a deficit." Mr. Frank P. Walsh accused many New York employers of quietly laying off hundreds of workers "while donating comparatively modest sums with a fanfare of publicity."

There is only one way to make wealth do its duty—by a properly graded income tax. The present tax is a farce, for it presses heaviest upon the poor. It is high time for adequate tax legislation. Blah, bluff, and buncombe will not meet the problem.

FEDERAL POWER COMMISSION

The Senate being in executive session,

Mr. GOFF obtained the floor.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Davis	Jones	Sheppard
Blackley	Dill	Kean	Shortridge
Bingham	Fess	Kendrick	Smoot
Black	Fletcher	Keyes	Steck
Blease	Frazier	King	Steinwer
Borah	George	McGill	Swanson
Bratton	Glass	McMaster	Thomas, Idaho
Brook	Glenn	McNary	Thomas, Okla.
Brookhart	Goff	Metcalf	Trammell
Broussard	Goldsborough	Morrison	Tydings
Bulkeley	Gould	Morrow	Wagner
Capper	Hale	Norbeck	Walcott
Caraway	Harris	Norris	Walsh, Mass.
Carey	Hastings	Oddie	Walsh, Mont.
Connally	Hayden	Partridge	Waterman
Copeland	Hebert	Phipps	Watson
Couzens	Heflin	Pittman	Wheeler
Cutting	Howell	Ransdell	Williamson
Dale	Johnson	Robinson, Ark.	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

Mr. GOFF addressed the Senate and spoke for 40 minutes without concluding his speech, which appears entire January 7.

MODERNIZATION OF BATTLESHIPS

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Senate, under its unanimous-consent order of December 20 last, will proceed in legislative session to the consideration of the special order at this time, namely, the motion to reconsider the vote on the passage of the bill (S. 4750) to authorize alterations and repairs to certain naval vessels; and the consideration of executive business will be temporarily suspended for that purpose. The question is on the motion of the Senator from Utah [Mr. KING] to reconsider the vote on the passage of Senate bill 4750. The Senator from Virginia [Mr. SWANSON] will be recognized now, and the Senator from West Virginia [Mr. GOFF] will be recognized when the Senate resumes executive session.

Mr. SWANSON. Mr. President, this is a question of the reconsideration of the vote on the passage of the bill authorizing the modernization of three United States battleships—the *New Mexico*, the *Mississippi* and the *Idaho*. It is not an appropriation bill, but is merely an authorization which will permit the Appropriations Committee to propose the appropriations necessary within the limit of \$30,000,000 authorized in the bill. It is very important that this measure should pass at an early date.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. SWANSON. I yield.

Mr. FRAZIER. There are a number of Senators interested in this matter who are not present, and I would like to suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Virginia yield for that purpose?

Mr. SWANSON. Very well; I yield for that purpose.

Mr. FRAZIER. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Shipstead
Barkley	Fess	Keyes	Shortridge
Bingham	Fletcher	King	Smoot
Black	Frazier	McGill	Steck
Blease	George	McKellar	Stelwer
Borah	Glass	McMaster	Swanson
Bratton	Glenn	McNary	Thomas, Idaho
Brock	Goff	Metcalf	Thomas, Okla.
Brookhart	Goldsborough	Morrison	Trammell
Broussard	Gould	Morrow	Tydings
Bulkeley	Hale	Norbeck	Wagner
Capper	Harris	Norris	Walcott
Caraway	Hastings	Nye	Walsh, Mass.
Carey	Hayden	Oddie	Walsh, Mont.
Connally	Hebert	Partridge	Waterman
Copeland	Heflin	Phipps	Watson
Couzens	Howell	Ransdell	Wheeler
Cutting	Johnson	Robinson, Ark.	Williamson
Dale	Jones	Robinson, Ind.	
Davis	Kean	Sheppard	

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present. The Senator from Virginia will proceed.

Mr. SWANSON. Mr. President, when the absence of a quorum was suggested and the roll was called to ascertain if a quorum was present I was stating to the Senate that this is a motion to reconsider the vote by which the bill was passed providing for the modernization of three United States battleships—the *Mississippi*, the *Idaho*, and the *New Mexico*—at an expense not to exceed \$30,000,000. The bill provides merely an authorization, and the amount must be carried by an appropriation bill when the authorization has been properly made. Of course, it takes some time to prepare and complete the modernization plans.

I wish to say in this connection that I am perfectly willing that there shall be a fair debate on the matter. There has been complaint that the authorization bill was passed by unanimous consent under the order for the presentation of reports of committees, and that unanimous consent ought not to have been asked for its consideration, but that it ought to have gone to the calendar and taken its place on the calendar to be considered in due course.

If the bill had gone to the calendar, then the next time the calendar was called a motion could have been made to take it up for consideration, although under the rule of the Senate, before 2 o'clock that would have permitted only five minutes for each Senator to discuss the bill.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I yield.

Mr. BROOKHART. I ask the Senator if it is not true that he called up the measure when there had been no quorum call and asked unanimous consent for its consideration and passage, when all of us known to be opposed to it were absent at the time. We now urge the Senator to let the bill go to the calendar.

Mr. SWANSON. Mr. President, 10 battleships have been modernized and \$47,000,000 has been spent for the modernization of battleships in the past few years. This is the first time I have ever heard of any opposition to such a procedure. It is the first time anyone ever opposed it. Every Senator had the right to expect, when we had been pursuing that course for five or six years, that authorization in the present case would not be opposed.

Mr. BROOKHART. I wanted to persuade the Senator, if I could—

Mr. SWANSON. I had no idea of letting the measure go to the calendar.

Mr. BROOKHART. I wanted to persuade the Senator, if I could, to be reasonable and let it go to the calendar.

Mr. SWANSON. I have not the slightest idea of letting it go to the calendar. If the Senate does not want to pass it, it can reconsider its vote by which it did pass it and then, of course, it goes to the calendar.

Mr. BROOKHART. As a matter of course, heretofore under such a situation we have always let measures of any character be reconsidered when a request to that effect was submitted by a Senator within the time. I never heard of

a case where a Senator held on in this way and refused to grant another Senator's request for a reconsideration.

Mr. SWANSON. There were some 500 amendments in the tariff bill that were voted on and a reconsideration of all of them could have been had under the rule of the Senate providing that when a bill has passed, within three days any Senator interested can move its reconsideration. When a bill is passed by the Senate, it goes to the House in due course. This bill had not yet gone to the House. Senators should read the RECORD. Is the business of the Senate to be delayed by Senators who do not attend the sessions of the Senate? I am always here during the morning hour, when reports of committees are presented and when Senators are apt to ask unanimous consent for the consideration of many matters of business. Why should Senators ask for the reconsideration of measures which are urgent and which have been passed by the Senate? This measure was passed in the manner in which probably one-third of the legislation is passed in this body. Are we to sit here and not transact any business because some Senator might oppose a practice which has been followed on many occasions during the past 10 years? For 10 years these things have been done and no one has interposed an objection.

In addition to that the rule requires that before unanimous consent is given for the consideration of a measure, the bill shall be read. The RECORD shows in this instance that the bill was read. Whether it was read in full or not I can not say. I was not listening. I have heard it said that it was not read in full but simply by title. Any Senator had the right to have the bill read in full. Nobody was hurt by not having it read in full. If a majority of the Senate do not want to pass the bill, Senators can vote to reconsider the vote by which it was passed and the bill will then go to the calendar.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER (Mr. WALCOTT in the chair). Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I yield.

Mr. BROOKHART. On that morning, as on every morning, there should have been a quorum call. It is customary to have a quorum call.

Mr. SWANSON. I have never heard of any such custom, although it is occasionally done.

Mr. BROOKHART. Instead of doing as we customarily do—that is, having a quorum call—the Senator from Virginia merely rose and asked unanimous consent for the consideration of the bill.

Mr. SWANSON. I made the report from the committee to which the bill had been referred. Why was not the Senator from Iowa here attending to his business?

Mr. BROOKHART. The Senator from Virginia was too quick for me.

Mr. SWANSON. Quick nothing! It was done in the regular order and in the usual way.

Mr. BROOKHART. I was here in time for any roll call, but there was no roll call.

Mr. SWANSON. Any Senator present had the right to call attention to the fact that there was no quorum present, if he thought there was none, and a quorum call would have been ordered. The Senator from Iowa should have been here attending to business.

One-third of the legislation passed by the Senate is passed during the morning hour when reports of committees are made and some Senator in charge of a bill asks unanimous consent for its immediate consideration. There is nothing unusual in that.

Mr. BROOKHART. But I never heard of any Senator who came in and got unanimous consent in that way refusing the request of another Senator, who was not present at the time but came in later, to have the matter reconsidered.

Mr. SWANSON. If the Senator had been here and had objected to my request for unanimous consent for the immediate consideration of the bill it would have gone to the calendar.

Mr. BROOKHART. But, Mr. President—

Mr. SWANSON. The Senator can speak in his own time.

Mr. BROOKHART. Very well.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. SWANSON. I yield.

Mr. SHORTRIDGE. I understood the Senator from Virginia to state, and I fully agree with him, that upon the motion now pending the merits of the proposition may be fully discussed. Therefore, if the Senator from Iowa wishes to support the motion or to enter into a discussion of the whole subject matter, he can do so in his own time. Therefore, I suggest that the Senator from Virginia proceed with his argument uninterrupted.

Mr. SWANSON. Mr. President, the Senate has a full opportunity to pass on the question but under the motion to consider, one Senator can not object and let his imperial will be the law of the Senate. I have no purpose to move to lay this motion on the table until the fullest debate that is desired may have been had; let the Senators have all the debate they want; but the Senate then ought to decide whether it wants to modernize these battleships. As I have said, 10 have been modernized, at a cost of \$47,000,000, and this is the first time I have heard objection to it; so far as I know, it is the first time anybody has interposed an objection.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. FRAZIER. A similar bill to this was reported to the House and placed on the House Calendar during the latter part of June last. It is still on the House Calendar; it is not brought up because objection has been made to it in the other House.

Mr. SWANSON. Of course, objection can be made in that body, just as the Senator has a right to object here.

Mr. FRAZIER. But the Senator said that he had never heard of any objection.

Mr. SWANSON. I repeat, I have not heard of any objection. The House Calendar may be crowded, but I have heard no objection in the House to the proposal.

Mr. President, let us see what this proposition is. As I said, it is merely an authorization. I had hoped that Senators would confine their opposition to the appropriation itself when it shall come before the body. They can fight it then if they desire; but very rarely is there a fight made on an authorization, because it has got to be followed by an appropriation. In olden times the Committee on Naval Affairs recommended the appropriations itself, and such items as this did not require an authorization; but under the rules of the Senate to-day the procedure is different. However, when an authorization is given nobody's rights are hurt, because subsequently the actual appropriation must be made. The only purpose it accomplishes is to authorize the Committee on Appropriations to bring the item before the Senate for consideration, and, of course, then full debate can be had.

Now let us see what this proposition is. Under the Washington treaty we were limited to 18 battleships; under the London treaty we agreed to sink 3 battleships, thus reducing the number to 15. This is a proposal to modernize three of the remaining battleships; it is proposed to authorize the Appropriations Committee to recommend an appropriation not exceeding the specified limit for that purpose.

When the London treaty was under discussion here I stated in my address in behalf of that treaty that there were seven old ships which should be modernized. I stated in that speech also that it would cost \$70,000,000 to modernize them, but that if we should modernize those seven ships then our battleship fleet would be on a parity with that of Great Britain, while if we did not do so our battleship fleet would be grossly inadequate and Great Britain would be supreme on the sea.

The London treaty contemplated the modernization of these seven battleships. That treaty provided that the guns

might be elevated and that they could be modernized in other ways by providing deck protection, by providing blisters, and everything else necessary to make the ships efficient, capable, and worthy to be part of a great battle fleet.

There has been no lack of knowledge as to the cost of modernizing these ships. During the discussion of the naval limitations treaty before the committee and in addresses here on the floor, including the one made by me, it was said that it would require about \$70,000,000 to modernize these seven ships. Consequently everybody who was at all familiar with naval matters or interested in them knew that the modernization of these ships was necessary in order to make our Battle Fleet equal to that of Great Britain.

What is done when a ship is modernized? In the first place, there have been great improvements in connection with protection against torpedoes. Blisters are put on the ships in order to protect them from torpedo attack.

Second. The guns are elevated.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. SWANSON. I do.

Mr. FRAZIER. I do not mean to obstruct, but I do not understand clearly what is meant by "blisters."

Mr. SWANSON. Blisters are put on the outside of the hull of a ship in order to afford protection. Furthermore, after the guns are elevated and more deck armor is put on it is necessary to make the ship buoyant in order to keep its regular depth in the water. So blisters are put on for those two purposes.

Second, as I have said, it is necessary to elevate the guns. At their present elevation the guns can shoot 22,000 yards, possibly 23,000 yards; but when the guns are elevated they can shoot 35,000 yards. So by elevating the guns their range is increased from 23,000 yards to about 35,000 yards.

The battleships of the American Navy which have been recently constructed have a range of 35,000 yards. Mr. President, it is exceedingly undesirable to have a fleet some of the vessels of which can shoot only 22,000 yards while others can shoot 35,000 yards. The program of modernization will give us ships with guns having a uniform range of 35,000 yards, which is absolutely necessary in order to make our battleships equal to those of Great Britain.

When battleships were first constructed there were no such things as airplanes to spot the shooting, and the decks were not protected sufficiently. The fighting was at lesser ranges, and the effort was to hit the hull of the ship. Now, however, under the method of spot shooting and because of the increased range, a projectile may go over the hull and strike on the deck of the ship. Therefore it is necessary to put armor on the deck so that by such a shot the ship may not be destroyed and go to the bottom. All modern ships are built in that way.

Furthermore, the machinery of battleships has been improved so as to give the ships greater speed, and likewise the method of gun control has been changed. The proposal for the modernization of the battleships will provide for our vessels modern gun control. With \$10,000,000 the Navy believes that the ships can be modernized in such a way as to be as powerful almost as if they had been replaced by the building of new vessels which would cost between thirty and forty million dollars.

Some who opposed the London treaty advocated that the Government should avail itself of the right of replacement under the Washington treaty and scrap all the older battleships and not modernize them. The Navy, however, reached the conclusion that about \$20,000,000 would be saved per ship by modernizing it, and if the ships were modernized in that way they would be practically as efficient as new ships. I am willing to admit that they would not be quite so efficient, but we would save about \$20,000,000 for each ship by modernizing them rather than exercising the privilege of replacement under the Washington treaty.

Mr. BROOKHART. Mr. President—

Mr. SWANSON. I yield to the Senator from Iowa.

Mr. BROOKHART. Does the Senator have any idea of how difficult it is to hit an object 25,000 yards away?

Mr. SWANSON. Under the conduct of naval operations now, as I understand them, an airplane goes up, locates where the enemy ship is and signals to its own ship the probable range, whether it is 30,000 yards, 35,000 yards, or 25,000 yards. The ship to which the airplane is attached then makes a salvo shot, which is spotted by the airplane. If the projectiles fall a thousand yards short of the target, the airplane signals the ship how many yards short of the target the projectiles fall. The battleships of all navies now use what is called "spotted salvo shooting," and they can shoot in this way much more accurately than formerly when shots were fired at the hull of the adversary ship. I do not think, however, they could do quite as well as the Senator could with his rifle.

Mr. BROOKHART. They can not hit anything at 22,000 yards, let alone 35,000 yards.

Mr. ODDIE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. SWANSON. I yield.

Mr. ODDIE. Mr. President, I think in justice to the known skill of our Navy the Senator from Iowa should inform himself as to what it has done. During recent naval maneuvers in target practice at 30,000 yards some of our ships made magnificent records. One of our ships two years ago made a hit a minute on a target which was far smaller than a ship at 30,000 yards, and that has become a frequent occurrence.

Mr. BROOKHART. How many shots did the ship fire?

Mr. SWANSON. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. SWANSON. As I have said, an expert on shooting and range finding is in an airplane. He endeavors to ascertain the distance to the enemy ship and signals to his own ship what the range is, whether it be 20,000 or 30,000 or 35,000 yards. The shots can be fired almost in seconds rather than in minutes. The expert in the airplane estimates, for example, that the shot falls a thousand yards beyond or a thousand yards short of the enemy vessel. He signals that information, and in that way the accurate range is ascertained and the shooting is much better than under the old system. When the ships of the British Navy changed their method to "salvo spot shooting" there was a revolution in the method of handling the guns of the navy. Naval officers tell me that it is the most accurate way in the world by which vessels can shoot unless the vessels are right in front of each other. Of course, if the adversary vessels are within four or five thousand yards of each other, they can find the range for themselves, but they can not do that when the distance is so great that they are not within sight.

For an American battleship to go without its guns elevated, without modern equipment, without modern gun control, and without deck protection would be to invite the enemy to destroy it. To place our battleships in such a position, it seems to me, would be almost criminal, for we would thereby be sending the men of our Navy to do unequal battle. If we are not going to modernize our ships, the best thing to do is to scrap them absolutely and completely. I know of no difference of opinion among naval authorities on that point.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I yield.

Mr. BROOKHART. Our highest naval authority says that the only safe place for battleships during a war would be as far up the Mississippi River as we could get them; and, of course, if they were up there they would not fire either 22,000 yards or 35,000 yards, for if they should do so they would kill somebody.

Mr. SWANSON. Why are battleships put in places of refuge? Why did the British keep their battleships in a

safe place? They knew if their battleship fleet were destroyed, by submarines or otherwise, Great Britain would have to surrender to Germany on account of its fleet. The safety of a nation is so dependent on its great battle fleet that it rarely takes any chance of losing it. The British battleship fleet did go out and participate in the Battle of Jutland, but no official who has the safety of his nation at heart would recklessly risk its battle fleet and suffer the chance of its being destroyed and of the enemy battle fleet becoming supreme.

What is the object of the navy? The object of the navy is to control the surface of the sea. Why is it desired to control the surface of the sea? In order that commerce may proceed uninterrupted; in order that a government may project its military power where it pleases; in order that it may send where it pleases its army and also its marines, and I am glad to learn that the Senator from Iowa has become an honorary colonel of the Marine Corps of the United States.

The important thing is to control the surface of the sea. How is the surface of the sea controlled? First, it is controlled by surface ships. Commerce does not go under the sea in submarines. Commerce can not go on airplanes. They have not been developed to that point. The nation that controls the surface of the sea controls the flow of commerce in time of war, controls where military power shall be projected in time of war, and when other nations shall be prevented from projecting their military power in time of war.

The capital ship is the main battery for controlling the surface of the sea. If a nation had but two capital ships, and others had none, it would control the surface of the sea. Airplanes are the right arm of the fleet to help control the surface of the sea. Submarines are the left arm of the fleet to help control the surface of the sea. All of them are mere elements in the control of the surface of the sea, to let a nation's commerce go uninterrupted in war, or uninterrupted when other nations are in war. All these other agencies are simply elements in the control of the surface of the sea.

I have presented the issue distinctly to the Senate. The modernization of these battleships will cost us \$10,000,000 each, while new ones will cost between thirty and forty million dollars each, so that the modernization will result in a great saving. Some people fought the London treaty because they thought we ought to defeat the treaty and take replacements under the Washington conference treaty. I thought otherwise. I thought if these ships were modernized, as the London treaty gives us the right to do by a certain provision authorizing us to put on blisters, to elevate the guns, to put in new machinery, and to make these ships completely up-to-date, our Navy would be equal to that of Great Britain; and I think it would be a little superior, as I said when I spoke in behalf of the London treaty. If we do not want a navy equal to that of Great Britain, if we want to be a second-rate or third-rate naval power, we can very easily reach that end by defeating this provision and not modernizing these battleships.

That is the issue.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. SWANSON. Yes.

Mr. SHORTRIDGE. I understand from what the Senator says that it has been agreed by those competent to pass on the question that these three battleships can be modernized, and at an expense not exceeding \$10,000,000 each.

Mr. SWANSON. That is right.

Mr. SHORTRIDGE. And that when thus modernized in the way suggested by experts they will be substantially as efficient as originally built vessels.

Mr. SWANSON. They would be more efficient than when originally built.

Mr. SHORTRIDGE. That is agreed, is it not, and we may understand that as we proceed in this discussion?

Mr. SWANSON. I doubt whether either one of these ships would be exactly equal to the *Rodney*, of the British Navy. I will be frank about that. It would be substantially equal; but with our superiority in guns and elevations, as I disclosed in my speech upon the London treaty, I am satisfied that the aggregate of our battleships thus modernized is certainly equal to the fleet of Great Britain, if not superior, and it is a cheaper way to attain the result. I discussed how we could save about \$20,000,000 on each ship. Others differed from me and thought we ought to sink these ships and replace them with *Rodneys*. I did not differ with them, except that I thought the increased cost did not give us sufficient superiority to justify a greatly increased cost.

Mr. SHORTRIDGE. If the Senator will pardon me, agreeing with him, I should like to have the *Record* speak to this effect, if it be so—that when modernized as contemplated they will be efficient vessels for the purposes designed.

Mr. SWANSON. Absolutely. They will have deck protection. They will have elevated guns. They will have protection against torpedoes. They will have all the protection that the most modern battleship possesses, in every respect.

Mr. SHORTRIDGE. That is the point I wanted to bring out.

Mr. SWANSON. And it would be a great mistake and a great expense not to modernize these ships and carry out the purposes outlined in the London treaty.

I voted for the London treaty. I spoke in its behalf. I think that treaty gives us a navy equal to that of Great Britain, which I think is necessary and important. I believe it will result in the peace of the world for these two navies to be equal. I am not willing to have a navy inferior to that of Great Britain. I am not willing that the tobacco crop, the cotton crop, the wheat crop, the corn crop, the exports of the United States, shall have access to the seas and markets of the world simply by the consent or sufferance of any nation. I think that with a fleet equal to that of Great Britain or any other nation we will be able to maintain our rights on the sea. We are more of an export nation now than we ever have been. Our prosperity is more dependent on access to foreign markets than ever before. If there ever was a time when it was important that America should have access to foreign markets as a matter of right, as a matter of power of her Navy, and not a matter of sufferance or condition by any other nation, I think that time has arrived; and I think the importance of maintaining that state of affairs will increase each year.

The issue is plain. If we do not want to carry out the provisions of the London treaty, if we are not willing to have 15 battleships equal to the 15 battleships of Great Britain, there is but one issue: That is, defeat this modernization bill. We shall be a very poor second to the navy of Great Britain, and some people think we shall not be equal to the fleet of Japan, if this modernization does not take place. In addition to that, modernization is the cheapest way to get equality, and both the cheapest and the most efficient way to carry out the London pact.

Mr. BROOKHART. Mr. President—

Mr. SWANSON. I yield to the Senator from Iowa.

Mr. BROOKHART. Does the Senator construe the London treaty to require us to build 15 battleships?

Mr. SWANSON. No: the London treaty gives us permission to modernize these ships. It gives us permission to have a battle fleet equal to that of Great Britain and in the ratio of five to three to Japan. In order to accomplish that, when there was a doubt about it, we were authorized to elevate our guns, put on torpedo protection, deck protection, and all kinds of modern improvements, so that our ships could be 15 to 15 for Great Britain and 5 to 3 with Japan. It is discretionary with us. It is for us to determine whether we want to be a second-rate or a third-rate naval power. There is no compulsion to make us build up to the authorization of the treaty. There is nothing in the treaty to that effect. The Senator is right.

Mr. BROOKHART. If we decide, then, as a matter of efficiency, that the battleship is worthless in war and a

waste of money, we do not have to waste that money in building?

Mr. SWANSON. If the battleship is worthless, if it does not carry out the purposes which every naval expert in the navies of all the world says it carries out by controlling the surface of the seas, if we think it is worthless, we ought not to vote a cent of money for it. I would not do it, and the Senator ought not to.

Mr. BROOKHART. That is what I think.

Mr. SWANSON. My judgment is, however, that the surface of the sea is controlled by surface ships; and aircraft and submarines are merely the right and left arms to enable the surface ships to control the surface of the sea. Whoever controls the surface of the sea controls its commerce and controls where its military power shall be projected.

That is the issue. If the Senate wants us to have a second-class or a third-class navy, let it defeat this bill, because we can not build new ones under the London treaty. We can not replace these ships. It is the modernization of these ships or nothing; and the treaty which so provided has been ratified. I know that some Senators argued, and argued with force, that we had better exercise our replacement rights under the Washington treaty—sink these ships and build ships like the *Rodney*. I differed from them.

That is the issue. The Senate, if it wants to have that kind of a fleet, can defeat this modernization bill, and that is what we will have—a second or third rate navy.

Mr. HEFLIN. Mr. President, I hope this motion to reconsider will prevail.

I do not think the Senate can seriously consider at this time the appropriation of \$30,000,000 to remodel some of these old battleships when we have millions of people in distress in the United States. Fine, patriotic men and women who have supported their country in time of war, who love it and sustain it and contribute to its strength and glory in time of peace, are in want this day. They are assembling at various places in the South and petitioning Congress, their Senators and Members of the House here, to hurry relief to them. Mothers of our race in this Nation are begging for bread. The husband, whose strong arm sustained them when he had the means with which to do it, is standing empty handed and desperate to-day because he can not supply those dependent upon him with the actual necessities of life.

Hail and storm have ruined the crops in some sections. The drought has withered the plants in the field in other sections. Debts are hanging over not hundreds, not thousands, but millions of patriotic Americans; and, Senators, I want to beg you to defer this matter of appropriating money to remodel old battleships while men and women and children starve. Let us go to their rescue now. These things that are upon them are things over which they have no control. Providence has done this. The weather has wrought this ruin; and certainly this the greatest Nation of all the earth will not deny these people now that which is necessary to sustain their lives.

Senators, let us not appropriate this money for battleships now. This matter can wait. Let us take it up two or three weeks from now. Let those who furnish material to build battleships wait until starving men, women, and children are fed.

Ah, Senators, when you break the morale of an upstanding, patriotic American citizen—when you make him desperate—you make a bolshevist out of him, and an anarchist, and then an enemy to orderly government. Do not do that. Let this great Government hasten to the rescue of these people in distress. Let it show that it is not only willing but glad to extend to them the help that is needed to prevent them and their families from starving.

Senators, I have just received a telegram from D. T. Tatum, the vice president of the La Fayette Bank, in my home town, saying that in that section men are breaking into stores; that the situation is desperate; and that if something is not done, and done speedily, the performance in Arkansas will be but a mild-mannered affair.

Let us not turn a deaf ear to people in distress now and engage in the business of appropriating \$30,000,000 to reconstruct three battleships. I repeat that matter can wait. Pending now is the new proposition of our entering the World Court. Much is being said about setting up a great international institution to promote peace and prevent war, and the remodeling of these three battleships can wait for a while. But hungry men and women and children starving must be fed.

Let us postpone final action on the battleships. Let us reconsider this measure, put it on the calendar and let it stay there until the Senate in its own good judgment wants to consider it, when these urgent matters that I speak of are out of the way.

My God! Who wants to hold up the Government of the United States at a time like this, and take out of the Treasury \$30,000,000 to enrich those who furnish materials to build battleships, while men and women and children, starving, are begging for help in obtaining food on which to live.

Senators, I have read a letter to-day which I received from a man in Texas. He said:

I do not believe that you Senators understand just what the condition in the country is. Some Senators and Congressmen up there will legislate for the big interests, but the cry of the poor in distress seems to mean but little to them.

That is the way some of these people who are out yonder in the States feel when they witness the aggravating and inexcusable delay in the passing by the House of the drought-relief measures. Out in the common walks of life, far from the large cities, there are thousands of them in the midst of starvation, with ruin of their crops spread around them and the cry of hungry children sounding in their ears. And yet we are asked here and now to let this \$30,000,000 battleship matter go on through to the House and to the President.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. The Senator from Alabama comes from a great State. An intelligent, capable, patriotic people live in the State of Alabama. Does he tell us to-day that the noble men and women of competence of that State are unable to assist or care for the less fortunate? Is it so that the well-to-do people of Alabama will suffer their own fellow citizens to starve, and is it necessary for Alabama, through the voices of her Senators, to call upon the Nation, to call upon Uncle Sam, at this hour? In other words, to answer my own question, I indulge myself in the belief that the people of Alabama—and I have reason for having affection for that State—are capable, generous, charitable, and kind, and that they are not calling, are not asking, if you please, to be assisted in caring for those presently unfortunate.

Mr. HEFLIN. Mr. President, I might very appropriately reply to the Senator by asking, did he suppose that when the earthquake struck San Francisco a few years ago and distress was in that city, those people would call upon the Government of the United States for help when there were so many rich men in California who could have, if they would have, given them the necessary financial assistance? I recall voting to appropriate money to meet the needs of those in distress in the Senator's own great city of San Francisco.

I want to say to the Senator regarding my own State that there are 67 counties in it. The farmers in 39 had crop failure on account of the drought last year. There is great distress among many farmers in 28 other counties, outside of the 39 that I have mentioned. So the Senator can see to what extent the distress in my State is.

Debts contracted by those farmers when cotton was selling at 18 cents a pound are now to be paid when the price is 10 cents a pound. The debt-paying power of the farmer has been greatly reduced.

He can not help that. The merchant to whom he owes money has the farmer's debts on his books, and the farmer can not pay. The banks which the merchants owe are in distress because the farmer can not pay the merchant, and the merchant can not pay the bank. So, Senators, distress

widespread and of a serious nature obtains in my State, and what is true of my State is true of many other Southern States.

A bank in my town failed last Friday, and that bank is run by some of the best men in the State. The head of that bank is a big merchant in my town. When his bank fails, something is radically wrong. Money is owing to the bank, but it can not collect. The farmers in many places not only are without substance with which to pay their debts but in thousands of instances in my State they have not sufficient substance upon which to live. I am sorry that is true, but the Senator from California knows it is a fact. I know the Senator is acquainted with the story of Dives and Lazarus. Old Dives could have fed Lazarus, but he would not. Lazarus got only the crumbs that fell from his table, and old Dives, cold-blooded, crafty, avaricious old sinner that he was, even permitted the dogs to lick Lazarus's sores.

Mr. SHORTRIDGE. And Dives went to hell, did he not?

Mr. HEFLIN. If we wait upon the generosity of the mighty rich to go out and feed the struggling, starving poor, they will never have their hunger satisfied.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to tell the fate of Dives and Lazarus? Dives went below, and Lazarus rested in Abraham's bosom.

Mr. HEFLIN. We want these people in Alabama to rest ultimately in Abraham's bosom, but we do not want them to go there by the way of starvation. That is the position I take. Let Dives stay where he is. I know a great many gentlemen, crafty, avaricious fellows, who are going to be there with him one of these days—not gentlemen in this body, however. [Laughter.]

Mr. SHORTRIDGE. Riches will never take me there.

Mr. HEFLIN. I know how generous hearted and noble my friend the Senator from California is, and I know the spirit in which he propounded his question to me; but I say to him again, conditions in my State are simply dreadful. I receive letters every day from men in the State asking me if I know where they can borrow \$500, \$1,500, \$2,000, whether I can lend it to them to save their little homes and a few acres of land. I have not the money to lend them. Perhaps I never thought as much of this world's goods as I should have.

I have not paid as much attention to the accumulation of this world's goods as I should have for my own good. But I am not pining about that. God has been good to me. He has blessed me with good health, and He has been with me in many battles I have fought, and I am going to try my best to serve Him and His humanity as long as it is within my power to do so. But, Senators, I want to say to you before I take my seat that if this condition is not mended, and mended soon, we are going to have in places something akin to revolution in this country. That may be a pretty strong statement to make, but I am not the only Senator here who feels that way. You can hear it whispered about in this Chamber as Senators talk to each other about the distressing conditions in their States. It is a desperate situation, Senators, when you find hundreds of men assembling, as they did in Arkansas, desperate, determined men, saying, "We have got to have something to eat. Our wives and children are hungry. They are crying for food and we must get it for them." Senators, when that stage is reached the situation is not only serious but desperate.

A telegram I received to-day, as I have said, stated that the performance in Arkansas would be a mild-mannered affair compared with what would happen in Alabama if relief was not granted immediately. Hungry men are already breaking in stores we are told. They are breaking into post offices in various places. They are robbing banks and banks are failing. Just yesterday the president of the American Bankers' Association gave out a very cold-blooded, cruel, and remarkable statement. The headline in the Star last night was "Sees United States banking on sounder basis. R. C. Stephenson says failure of weak institutions will have good effect."

My God! That puts him in the attitude of saying, "It is all right and a good thing for these little banking institutions out in the States to fail. Let them go. It is good

for the great banking interests for these little banks to fall by the way."

Mr. President, that is a cold-blooded and heartless statement for a great banker to make, rejoicing over the misfortune of the little banks, having no concern for the people who deposit their money in them; rejoicing and saying, "We have now weeded out the small institutions." In other words, he is saying in substance, "We have waited and watched these small banking institutions growing weaker and weaker, until they have finally fallen and perished," and looking down upon their prostrate forms he says, "It is all well and good that they are out of the way. It will strengthen the larger banking institutions." I have no patience with such a position.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. It is not my purpose to break in upon the thread of the Senator's remarks, but Senate bill 4750 is not, as we know, an appropriation bill; it is an authorization measure. Suppose it were an appropriation bill. I would like to have the Senator's view with respect to this phase of the matter. Suppose we appropriated this money for the purposes designed.

It would certainly set in motion labor, give employment to mechanics, and would it not to some degree solve, or tend to solve, the unemployment condition? Would it not alleviate to some degree unemployment conditions, even though the money distributed for wages and for materials should go immediately to factories and institutions of that character engaged in the work in hand, and in that sense be beneficial to the country?

Mr. HEFLIN. It would be beneficial no doubt to that locality where the ships were built and benefit a few hundred wage earners. It would benefit very greatly those who furnish the material to build the ships. There is where the main cost comes—in the steel, for instance. But, Mr. President, the authorization of which the Senator speaks is but the forerunner of the appropriation itself. While I am addressing the Senate at this very moment they are wrangling over on the House side over the \$15,000,000 we appropriated yesterday to be used exclusively in supplying food to starving Americans. It is doubtful whether the House will pass upon that important, pressing question to-day.

Mr. President, I do not want to engage in a filibuster. I have opposed an extra session of Congress obtained through a program of filibuster, but I want to announce to my colleagues now that I am ready to join them to tie up all legislation in this body, if necessary, until the bill with that \$15,000,000 amendment for starving Americans goes through the other House, reaches the President, and is signed. I do not intend that the battleship builders of America, those who make their millions out of the material furnished to build our battleships, shall flourish in rank luxury and clip their coupons at leisure through hurried legislation here while starving millions out in the States lift their hands and their voices pitifully pleading with their Government for some of the wherewith upon which to live.

Mr. President, we will be within our rights and be justified in filibustering for such a cause. Let us stand together in this matter. It is no time to lay out a program for battleship building when so many of our people are pleading for help in obtaining food.

Let us serve notice that it takes the two Houses to transact business at the Capitol, and if the other House continues to hold hard and fast, the relief measures that we passed through this body with practically a unanimous vote while distress is seen and felt in so many States of the Union and millions of patriotic Americans are becoming more desperate day by day and their condition becoming more distressing and more pitiful, we will engage in a filibuster to prevent other legislation until these relief measures are disposed of.

Mr. President, I appeal to the Senate to vote to reconsider this 3-battleship measure, put it upon the calendar, and then let us get down to business and vote these other meas-

ures through. Who doubts for a moment that if the tocsin of war should sound the sons of these homes now in distress would come forth with heads erect and with steady step to don the uniform and shoulder arms to fight as their fathers have fought for their country? They would respond everywhere gladly as they have in the past. When they are fighting against the grim monster of hunger who stands menacingly at the gates of their homes, the Government, worth billions, is asked to stop everything else and have them wait while the Senate appropriates \$30,000,000 to remodel old battleships—and this, as I have said, while hungry people are looking to us for aid.

Mr. KING. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. KING. In addition to the \$30,000,000 asked by the pending bill, there is another bill, may I tell the Senator, sponsored by the Senator from Maine [Mr. HALE], calling for an appropriation of \$27,650,000 for aircraft carriers, and so forth, \$20,780,000 additional for cruisers, for another cruiser \$16,605,000, submarines \$17,600,000, and other large appropriations. In addition to that, we have a naval appropriation bill, which will soon be before us, which asks more than \$350,000,000, a War Department appropriation bill which is now before the House asking for \$440,000,000; so we will be called upon to appropriate, before the Congress adjourns, nearly \$1,000,000,000 for naval craft and for military and naval expenses for the next year.

Mr. HALE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Maine.

Mr. HALE. The Senator is somewhat mistaken about his figures. The Senator speaks of an authorization for building ships which appear in the construction bill which I introduced in the Senate some time ago. The total of the figures in the bill, as I recall it, amounts to about \$80,000,000, and that amount will be spread out over a period of years. It will probably be three years, in any event, before all of that \$80,000,000 is expended.

So far as the bill now before us is concerned, as the Senator from California [Mr. SHORTRIDGE] has explained, it is an authorization and not an appropriation. It is an authorization for the modernization of three ships to cost substantially \$30,000,000. But the Navy Department does not propose to ask in the appropriation for modernization more than two at the present time or during the ensuing year.

Our battleship force has already been cut down by the London treaty from 18 ships to 15, and if we take more than 2 out of that 15 and then take out the ships that have to be taken out on account of their annual overhaul, we shall not be left with a sufficient number of battleships in commission. So that instead of about \$30,000,000 the appropriation in reality will be somewhat less than \$20,000,000.

Mr. KING. Mr. President, if the Senator from Alabama will yield further—

Mr. HEFLIN. Certainly.

Mr. KING. I think I can state with some knowledge, after investigating the situation, that before this Congress shall have adjourned appropriations and not authorizations will be made aggregating more than \$800,000,000 for the Army and Navy during the next fiscal year.

Mr. HALE. That may be; but the Senator mentioned \$1,000,000,000.

Mr. HEFLIN. He said nearly \$1,000,000,000, as I understood him, and \$800,000,000 is nearly \$1,000,000,000.

Mr. HALE. The Senator will recall that last year the annual naval appropriations amounted to something like \$360,000,000. If we are going to try to live up to the London treaty, we shall have a larger construction account than we had last year, but even with that it is not probable that there will be naval appropriations of much over \$400,000,000.

Mr. KING. Four hundred million dollars for the Navy?

Mr. HALE. Yes; it will be somewhat over \$400,000,000.

Mr. KING. More than \$400,000,000 in peace times. Germany, when it was alleged she was seeking to conquer the world and to build up a great navy in competition with Great Britain, never asked for \$400,000,000 in any one year.

Mr. HALE. Germany never paid her men decent wages as we do in this country and as we will continue to do.

Mr. HEFLIN. Mr. President, I had not intended to occupy the floor as long as I have, and but for these interruptions I would not have done so. What I have said is said by a Senator who believes in a good Navy, in an adequate Navy. I have always voted for an adequate Navy. We have an adequate Navy now. We have next to the best Navy in the world and we can wait a little while on naval work until these other urgent matters are attended to.

Mr. HALE. I would like to ask the Senator if he realizes what waiting on this matter means?

Mr. HEFLIN. I know what it means to starving people to have them wait.

Mr. HALE. To modernize these battleships requires the labor of 1,200 men per ship and that labor will be employed for a period of 18 months. The sooner we get the bill through and get to work the sooner these men will be employed. I think the Senator will find that no labor organization is opposing the bill.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HEFLIN. In a moment. According to the Senator's own statement these three battleships would give employment to 3,600 men.

Mr. HALE. No; two battleships would use 2,400 men.

Mr. HEFLIN. I am trying to get relief for 20,000,000 people who are in great distress this minute.

Mr. HALE. The relief that Congress seeks to give to the suffering people is to give them employment, and this is directly in line with that principle and does give employment to a considerable number of men. If we postpone action on the bill we are keeping out of work a certain number of men who need that work.

Mr. HEFLIN. No. The difference is this: The measure we are seeking to pass is not to give employment to men primarily. It is the loaning of money that they are going to pay back to the Government. I was astounded on yesterday when told that the Government is going to extract the interest on that money now when it is parceled out after we have appropriated it. That is not the way to stimulate patriotism. It is no way to treat these people, who are in distress because of no action of their own, by doling out money to them and giving it to them grudgingly, not giving it, but loaning it to them and saying to them, "When we loan you this money we are not going to trust you for the interest, but we are going to take it out now." That is a parsimonious and mean spirit to display toward men and women whose sons must defend this country in the hour of its peril, to save its life when danger comes. It is a miserable and mean program, and I do not care who is doing it.

Mr. HALE. None of which alters the fact that if the Senator is successful in his contention a certain number of men who would otherwise have had work will be kept out of work now.

Mr. HEFLIN. I want these men employed. They will work by the day and will be paid their wage. The money is theirs. They return nothing to the Government. But the people I am talking about produce that which feeds and clothes the world, and they are going to pay it back to the Government and pay it back with interest. We are doing nothing for them but making a loan out of the great treasure house of this, the greatest Nation in all the world, and we are asked to stop here now and appropriate \$30,000,000 to remodel three old battleships. That can be looked after later. Let us help the people who are in distress now.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. HEFLIN. Certainly.

Mr. FRAZIER. I wanted to refer to the statement of the chairman of the Committee on Naval Affairs, the Senator from Maine [Mr. HALE]. As I understand it from the report of the hearings, there are some battleships being modernized now. The work will take until at least the 1st of March to be completed, and if the bill is passed now the work can

not begin until at least the 1st of March, because the navy yards are busy with other work at the present time.

Mr. HEFLIN. Mr. President, the situation with the people I am pleading for here to-day is that if we do not get relief to them soon they will be all but starved before the 1st of March.

Senators, I have in my office papers giving notice of the foreclosure of Government land-bank mortgages on farms where the farmers have paid their annual payments for years, and now comes the drought, and because of hard times they could not raise the money to meet the payments. Accordingly foreclosure notices are sent out, the hammer falls at the courthouse door, and sold is the home and the farm of the farmer. Out and down the road this farmer walks with his wife and little children, going God knows where, bereft of his home by the richest Government on the earth. That is going on now.

The senior Senator from South Carolina [Mr. SMITH] has a measure pending, and I am going to support it, which would allow the payments now due to be made a part of the principal of the debt and carried in that way, extending the time for payments and let these men and women stay on their farms. Senators, they have become attached to their farm homes. They love their homes and farms. To be taken out and driven away and their homes sold to another who buys them at a miserable and measly price is wrong. Some of them, we are told, are being bought up by some great land companies which expect to organize and after a while bring their foreign cheap labor into the South and West and produce wheat and cotton under the direction of foreign ownership and authority.

That, I fear, is what we will have some day in the United States. We will have a great land-owning concern operated from other countries; we will have labor that will come in here through changed immigration perhaps, and, if not through immigration, then through smuggling. They will seek to operate foreign-owned and controlled farms in the United States. Whither are we drifting?

I am speaking for the honest yeomanry of the country; I am speaking now not for the captains of industry, not for the Ship Trust, not for the money king or the steel king, but for the patriotic masses of America who are in great distress.

Princes and lords may flourish or may fade,—
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied.

I am pleading for those people in the common walks of life who are looking hopefully and trustfully to their Government to aid them when nothing else under heaven will aid them. This is the only place they can go with any hope of having their petition granted; they can get aid nowhere else. They have tried to do so; they have exhausted every means at their command.

And now in this time of their grave troubles and deep distress they stand at the door of their great and noble Government and ask for aid and they shall not ask in vain.

Mr. NORRIS. Mr. President, I wish to call attention to what appears to me to be the parliamentary situation in regard to this bill, although I may be mistaken about it. This is a motion to reconsider the vote by which was passed a bill providing an authorization of \$30,000,000 to recondition three battleships of the Navy. The bill was passed when there was practically no one in the Chamber; it was passed without a roll call.

Mr. SWANSON. Mr. President, I myself was present. Was the Senator here?

Mr. NORRIS. No; I was not here.

Mr. SWANSON. There was a very good attendance on the morning when the bill was passed. Unanimous-consent requests for the passage of measures are usually made before 2 o'clock. That was the case in this instance, when there was, as I have said, a good attendance present. I think the Senator from Alabama [Mr. HEFLIN] was here.

Mr. HEFLIN. Yes, I was here; but I hardly knew what was going on. [Laughter.]

Mr. NORRIS. I have an idea that practically no Senator in the Chamber knew what was going on except the Senator from Virginia.

Mr. SWANSON. I made a statement, and the bill was read, I will say to the Senator.

Mr. NORRIS. We know how bills are read under such circumstances.

Mr. SWANSON. If the request had been made after 2 o'clock, or at a later hour in the afternoon, the situation might have been different; but it was made in the morning hour. Senators are present at that hour to speak; they are present to make unanimous-consent requests. The usual custom is to make requests for unanimous consent before 2 o'clock. That has been the custom of the Senate.

Mr. NORRIS. Mr. President, the usual custom—

Mr. BROOKHART. Mr. President—

Mr. NORRIS. Let me say a word, now that I have the floor. When a bill of this importance is passed, without the calling of a quorum, without any debate, with practically nobody knowing what is going on, during the morning hour or any other hour, the usual custom, so far as I know, without exception is, that any Senator asking that the vote may be reconsidered and the bill placed on the calendar has his request acceded to. If he says he wants to debate it, he is accorded that privilege, and the vote by which the bill was passed is reconsidered by unanimous consent.

Mr. President, we do not usually pass bills of this importance by unanimous consent; we would not think of doing such a thing ordinarily. I do not know of an instance like it. It seems to me, as a matter of common courtesy to those who are opposed to this proposed legislation, that the Senator from Virginia ought to be willing, as a matter of form almost, to have the vote by which this bill was passed reconsidered and have it take its regular course. Any one Senator objecting at the time it was considered could have prevented its consideration and put the bill on the calendar, where it ought to have gone. It is an uncommon thing for a Senator to ask for the passage of a bill such as this by unanimous consent when he knows that sentiment on it is sharply divided. Those opposing the measure may constitute a minority, but they represent a large minority of earnest, honest men who are opposed to the appropriation of \$30,000,000 at the present time to recondition these three battle-ships. It is a debatable question. I am not trying to discuss its merits. I merely want to call attention to the fact that the bill went through the Senate without any consideration, and the RECORD so shows.

The bill was passed on December 8, 1930, and on page 296 of the CONGRESSIONAL RECORD of that date the space taken by the action on this bill is just two-thirds the length of my finger.

Mr. SWANSON. Will the Senator read what I said at that time?

Mr. NORRIS. I am going to read it. That was all the time that was taken in considering a measure proposing to take \$30,000,000 out of the Treasury of the United States. I concede that the Senator from Virginia had a perfectly technical right to do what he did; I am not complaining about that. Such things sometimes happen. It has happened that I have secured the passage of a bill of some importance—but never one of the importance of the bill now under discussion, involving so much money—without a roll call, with no discussion, and with no debate; but when a Senator rose the next day and said, "I was interested in that measure; I did not happen to be here; there was no roll call, and I want to debate it," at once, by unanimous consent, the vote by which the measure passed was reconsidered. I do not understand really how anybody could take a contrary view. If we are going to put through measures of this importance, involving great sums of money, when Senators do not know what is taking place, and but few of them are present, we are soon going to confront a condition where every bill will be objected to, and we will not get a single bill through this body by unanimous consent. Now I will read just what happened:

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 4750) to authorize alterations and repairs to certain naval vessels, and I submit a report (No. 1164) thereon.

This is pursuant to the policy heretofore adopted of modernizing our battleships so as to carry out the terms of the Kellogg peace treaty.

Mr. SWANSON. That ought to read "the terms of the London treaty and the Washington conference."

Mr. NORRIS. Yes; I suppose so; instead of the "Kellogg peace treaty."

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. BROOKHART. I once called the attention of the Senator from Virginia to that mistake and told him that he was so excited about getting the bill through that he did not even put it under the right treaty.

Mr. NORRIS. I will read on what the RECORD shows as having occurred at the time the bill was passed:

It is simply an authorization. An appropriation must be made, and it must be made very soon or else thousands of people in the various navy yards will be discharged and add to the unemployment situation. Therefore I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Let it be reported for the information of the Senate.

The bill was read, considered by unanimous consent, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Then a copy of the bill follows. I will read it, but before I do so let me say a word of explanation. All Senators will understand, but the casual reader of the CONGRESSIONAL RECORD may not understand what really occurred. It says here:

The bill was read, considered by unanimous consent, ordered to be engrossed for a third reading, read the third time, and passed.

Of course, the bill was not read except by its title. That is all. The bill never was read in the Senate, it is safe to say.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. BROOKHART. The Senator from Idaho [Mr. BORAH] told me that he was present and that the bill was not read, and he certainly would have objected to the bill authorizing an appropriation of \$30,000,000 if it had been read.

Mr. NORRIS. There are dozens of Senators who would have objected if they had known about it.

Mr. SWANSON. Mr. President, I do not know whether the clerk read the bill or not, but it is his own fault if he did not read it, because the rule requires all bills to be read before unanimous consent is obtained to consider them.

Mr. HEFLIN. I think it is certain the bill was not read. The Senator will observe from the report in the RECORD that it nowhere calls attention to the fact that it would require \$30,000,000 to do the work proposed.

Mr. NORRIS. I will read the bill itself from the same column of the CONGRESSIONAL RECORD:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. New Mexico, Mississippi, and Idaho alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$30,000,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments, ratified August 17, 1923.

Mr. President, unless somebody else read it from the floor, I venture to say that that is the first time the bill has ever been read in full on the floor of the Senate. We know how these bills are read. The Vice President says, "Third reading of the bill," and the clerk says, "A bill authorizing an appropriation for the repair of certain naval vessels." That is all he reads.

I simply want to call attention to the fact that a large number of Senators who are opposed to the proposed legislation—conscientiously and honestly opposed to it, although they may be in a minority—want an opportunity to take it up in the regular way and discuss it. Under such circum-

stances, it seems to me the Senator from Virginia, in accordance with his usual custom of being courteous under all circumstances and under all conditions—I have never seen him otherwise; even when he gets mad he is courteous [laughter]—would be glad to say, out of consideration for other Senators, “I have no objection to the vote by which the bill was passed being reconsidered.”

Mr. SWANSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. SWANSON. Has the Senator concluded?

Mr. NORRIS. No; I have not concluded.

Mr. SWANSON. Very well; I will wait until the Senator shall have finished.

Mr. NORRIS. Mr. President, I want to say to other Senators that it seems to me when we have a condition like this confronting us, regardless of what we think about the merits of this bill, it ought not to be put on the statute books by any gerrymandering consideration like this. A bill of this kind is entitled to consideration. It is only fair to those who are opposed to it and those who are in favor of it that it should take its place on the calendar like other bills, come up in the regular way, and be discussed.

When we consider the calendar and take up bills by unanimous consent nobody thinks of demanding that a bill of this importance should be taken up under such a call. I do not know of an instance where a bill involving this much money is considered by unanimous consent when it is reported—a bill involving also important economic governmental considerations, where the people of the country as well as the Members of the Senate are divided, perhaps nearly equally, upon the theory. I do not know of an instance where such a bill, when the report is made, is considered by unanimous consent. It is out of the ordinary. It is not the usual way of transacting business. The report which the Senator made never was read. No Member of the Senate had an opportunity to read it before the bill was passed; and I can not myself see what other course we can properly pursue than to let the bill be reconsidered.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield to the Senator.

Mr. BROOKHART. I call the Senator's attention to the threat which, as I understood, was made by the Senator from Virginia in the first part of this proceeding, that when this debate had reached a stage where he deemed it sufficient debate he proposed to move to lay this motion on the table. I think the Senator from Nebraska was not in the Chamber when the Senator from Virginia made that statement at the beginning of the debate.

Mr. NORRIS. I did not hear that statement; no.

Mr. SWANSON. Mr. President, is the Senator through?

Mr. NORRIS. No; when I get through I will sit down.

Mr. President, I certainly can not conceive that that will take place, although it is in order under our rules as a matter of parliamentary law for that motion to be made now by any Senator who has the floor and recognition from the Chair. I concede that if debate went on and on and on for an unreasonable time, the time would come when a motion to lay on the table would be justified.

The Senator from Virginia has been here so long, however, he is so well beloved by all of his fellow Senators, he has always treated us without any exception in such a universally courteous and kind and gentlemanly manner that it seems to me that from him there ought not to come a step now to put a blot upon the great reputation that he so justly deserves and has maintained for so many years before his fellows in the Senate.

I can not conceive, Mr. President, that the Senator from Virginia would take this kind of a technical parliamentary advantage. I do not believe he will when he thinks about it.

Mr. SWANSON. Mr. President, I am sorry that my remarks are not considered debate by the Senator from

Nebraska. He said there was no debate whatever on this bill. I had an idea that I made a pretty fair statement of what was contained in the bill. I stated that it was a measure for the modernization of three battleships. We have modernized 10, at a cost of \$47,000,000.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. SWANSON. Yes.

Mr. FRAZIER. In the modernization of the other battleships heretofore no amount like \$10,000,000 per ship has been expended.

Mr. SWANSON. That is true. The amount averaged about \$4,700,000 each; but these are larger ships. They have deck protection, and are more expensive. They are larger and more expensive ships.

Mr. NORRIS. Mr. President—

Mr. SWANSON. I debated this matter when the London treaty was before the Senate, and I think the Senator listened to me a part of the time. He does not listen to me very much. He does not count my remarks as debate. I stated that it was urgent to get this modernization through at once, or else thousands of men—four or five or possibly five or six thousand men in the navy yards—would be discharged. The two battleships we are now modernizing—the *Arizona* and the *Pennsylvania*, I think; I do not remember the name of the other one—

Mr. NORRIS. How much did the modernization of those battleships cost?

Mr. SWANSON. A little over \$6,000,000.

Mr. FRAZIER. For the two of them?

Mr. SWANSON. No; \$6,000,000 each; somewhere between six and seven million dollars each. They will go out on the 1st of March. The appropriations must be made for these ships to come into the places where this work is to be done, or else there will be five or six thousand people out of employment.

The purpose of the Navy Department is, if this bill goes through within a reasonable time, instead of laying off these men in the summer time, as soon as a ship is designated to go to a navy yard and the individuals are known who are going to work on it, to give them their leave now. They will take their leave now with pay, instead of unemployment without pay; and the department has been very urgent about the necessity of it.

The bill was introduced by the Senator from Pennsylvania [Mr. REED]. I reported the bill. I did not make a long report, as I was not very well. I asked unanimous consent for its consideration, and stated the reason why I did so—that if it was not done, the people would be thrown out of employment.

Mr. FRAZIER. Mr. President—

Mr. SWANSON. I left after this action was taken; and I did not know until the next day, when I saw it in the papers, that a motion had been made to reconsider. I then saw the Senator from Utah [Mr. KING], and he told me he had made the motion to reconsider, and I discussed the matter with him.

I state now that I do not think this bill ought to pass unless the judgment of the Senate favors it. I think it ought to pass whether the Senator from North Dakota [Mr. FRAZIER] favors it or not. This is the rule of the majority, not the imperial will of 1 man or 2 men or 3 men. Under the conditions to-day, the Senate can control this matter. Why do some Senators want the bill to go to the calendar? They want it to go to the calendar because when the calendar is called one or two Senators can object, and I would have to get a special order to get it through. I think these men are entitled to a better show. If a majority of the Senate favor this bill, I think they ought to pass it. If they do not favor it, they ought not to pass it.

I stated that I am going to give the fullest opportunity for the fullest debate and the fullest understanding of the bill. Not until the time comes when there is a filibuster, as suggested by the Senator from Nebraska, do I feel that I should be justified in moving to lay the motion to reconsider on the table.

Mr. FRAZIER. Mr. President—

Mr. SWANSON. Who is hurt unless a minority wants to run the Senate? We will have a yea-and-nay vote on the motion to reconsider.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SWANSON. I will say frankly that one of these battleships is being modernized in the Norfolk Navy Yard. I hope, though I have no assurance to that effect, that another one will go there. I hope that will be the case. I am frank to admit it; but I know full well that if this bill does not go through before the 4th of March, three or four thousand men there will be without employment and in distress and want.

I am willing to let this bill be debated to the fullest extent, and then take a vote on it. I have not tried to cut off anybody from debate. I stated that I thought I made a fair statement of what the case was in my opening here this evening, but I do not know whether the Senator heard me or not. It is a question of whether or not the Senate want to take this action. As far as I am concerned, they can have all the debate on it that is desired. All I ask is that a vote may be taken. If the Senate do not want to vote for it, if they do not want to have a Navy equal to that of England, let them vote down the bill. I have no grievance. I have no complaint.

I understand that but a day ago \$75,000,000 was appropriated for roads by unanimous consent, just as this was appropriated, and the amount was increased to \$120,000,000.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. SWANSON. I will state flatly that bills appropriating millions and millions of dollars are called up here and read simply in the ordinary way and passed without having the debate that this bill has had. I should like to know how anybody is hurt except four or five Senators who want to prevent a matter from coming up by direction of the Senate. If they want to prevent consideration, I can understand how they might be hurt; but how anybody can be hurt or prejudiced when there will be a yea-and-nay vote, I do not see. I will hold up my hand to give you a yea-and-nay vote.

Now I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I think now the Senator has evolved a new process of legislation. I want to ask him whether he is really in earnest about it; and, if he is, whether he would favor the rule that would have to be adopted by the Senate to carry out his theories.

When a committee reports a bill, let it be considered as having passed the Senate. Then let it be in order for anyone to make a motion to reconsider it; and then, as the Senator says, have a roll call on whether Senators want the bill to become law or whether they do not, after a full debate on the motion to reconsider. Does the Senator think that is the proper way to legislate in the Senate?

Mr. SWANSON. This is a matter that is very urgent. This is the first time any fight has ever been made on it.

Mr. NORRIS. This is the only chance anybody has had to make a fight on it.

Mr. SWANSON. I do not mean on this bill. We have modernized 10 battleships and nobody has ever opposed it before.

Mr. NORRIS. I am not sure that I should vote against the bill if it came up in the regular way; but I do not like the method the Senator is trying to use.

Mr. SWANSON. Senators talk about advantage being taken. The first time I ever heard that there was any opposition to this measure was when the Senator from Utah made the motion for reconsideration, and I came into the Senate the next day.

Mr. NORRIS. Exactly.

Mr. SWANSON. Ten times this very thing has been done here. At once I stated that I would not move to lay the motion on the table; I would move to take it up and consider it, and I thought the Senate should have the fullest and fairest debate, and the majority should control. The only reason why it is not desired to do it now is be-

cause four or five Senators want to prevent this bill from passing until the 4th of March.

Now, let us get down to this. If Senators will consent to fix a date to vote on this bill, I will make a motion to reconsider it, and let it come up.

Mr. NORRIS. The Senator does not need to make a motion. The motion is pending now.

Mr. SWANSON. I say I will ask unanimous consent to reconsider the passage of the bill and let the bill come up, not on its passage, if the Senator from Nebraska and those others who are fighting this bill will agree to a day to vote.

Mr. NORRIS. Mr. President, I ask unanimous consent that the bill be reconsidered, and that it be taken up on the first legislative day in February.

Mr. SWANSON. That would not give us quite time enough.

Mr. NORRIS. It would not?

Mr. SWANSON. No.

Mr. NORRIS. The Senator does not want to displace the unfinished business; does he?

Mr. SWANSON. If we are going to modernize these ships, they certainly ought to be modernized now, with about five or ten thousand people likely to be out of employment.

Mr. NORRIS. The Senator does not advocate this bill as an employment measure; does he?

Mr. SWANSON. Both.

Mr. NORRIS. If that is the reason, then let us modernize 100 ships.

Mr. SWANSON. Oh, no! These are the ones that we are going to modernize finally.

Mr. NORRIS. I have an idea that that is true, and that they are going to be modernized at Norfolk, too.

Mr. SWANSON. I do not know that they are. I will say frankly that I hope so, however.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. One at a time.

Mr. NORRIS. I am willing that they should be.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. SWANSON. I will yield to fix up a unanimous-consent agreement.

Mr. NORRIS. I will say to the Senator that I believe that the ships ought to be modernized; and I think, from the very able way, although very technical way, in which the Senator has brought about the legislation, that the department will not only modernize them all at Norfolk but will modernize everything else at Norfolk.

Mr. SWANSON. I hope so. I want to have the best possible work done.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. SWANSON. I yield.

Mr. HEFLIN. I want to say to the Senator from Virginia that if he will agree to a future date for taking up this matter after it is reconsidered, I think it will be better for his measure. I think a good many Senators are not going to vote to appropriate \$30,000,000 until these drought-relief measures are out of the way and enacted into law.

Mr. SWANSON. This is not a bill to appropriate the money. This is simply an authorization to allow the Appropriations Committee to consider it in connection with other matters.

Mr. HEFLIN. I understand.

Mr. SWANSON. Under our rules we can not consider everything and decide which matter is the most urgent. The Naval Affairs Committee can not make an appropriation. It makes authorizations of appropriations for things it thinks ought to be done. All the committees make such authorizations, which then go to the Appropriations Committee. They consider the authorizations and report bills for appropriations.

I have stated to those opposed to this measure that they could fight it equally as well when the bills for appropria-

tions were reported; that I thought that was the best time to fight it. I simply want this to go to the Appropriations Committee to be considered with other authorizations.

Mr. HEFLIN. Mr. President, the Senator will agree with me that an authorization from the Naval Affairs Committee as now constituted, a splendid and efficient Naval Affairs Committee, is just like a warrant for a man's arrest; it is certain to be executed.

Mr. SWANSON. That has not always been the case. I am willing to have fixed a time to vote. If any time in the next 10 days is suggested, I will ask unanimous consent to have the vote reconsidered, and ask for the fixing of a time to vote.

Mr. NORRIS. Let me say to the Senator that I would not have any objection to that.

Mr. SWANSON. If the Senator will make such a request, I will agree.

Mr. NORRIS. The objection probably would come from those who are behind these other important matters of legislation, like the unfinished business, for instance, which has been kicked about here for several weeks. We would have to get their consent.

Mr. SWANSON. All I ask is that Senators let this authorization go to the Committee on Appropriations. Our Budget system does not seem to be fairly understood. The committees report bills making authorizations based on department needs. They go to the Committee on Appropriations, which considers them on their relative merits. The Committee on Appropriations might determine they would not appropriate any of this money at this time, and that would end the matter with us. What we thought was that while the committee was considering all these things, between five and ten thousand men would be out of employment, and that this authorization ought to be considered with others.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. HEFLIN. I have a suggestion to make to the Senator which I believe will get rid of this question for the time being. That is to ask unanimous consent that this motion to reconsider be considered as agreed to, and that the bill lie upon the table, to be voted upon by the Senate 10 days after this day.

Mr. SWANSON. Let us fix a day and a specific hour.

Mr. HEFLIN. It can lie upon the table, and the Senator can call it up, under such an agreement.

Mr. SWANSON. What day would that bring us to? Make it at 4 o'clock on some certain day. I would be glad to have the matter debated now. Some have the idea that an authorization carries with it an appropriation. We have reported authorizations from the Committee on Naval Affairs which have never been considered. I have never fought authorizations very seriously because I know full well that the Committee on Appropriations considers them in connection with others. Why are we not entitled to have this considered with other measures? That is all I ask. I am willing to have the motion reconsidered, and to fix an hour and a date for a vote. Ten days would give us plenty of time.

Mr. HEFLIN. Then, Mr. President, I ask unanimous consent that the motion to reconsider be assumed as agreed to, and that the measure lie upon the table, to be voted upon at 4 o'clock on January 16, 10 days from to-day.

Mr. SWANSON. I consent to that.

The VICE PRESIDENT. Before that request is presented to the Senate, it will be necessary to call a quorum.

Mr. NORRIS. Mr. President, I want to make a suggestion to Senators. In the unanimous-consent order there should be some time fixed when the bill would be laid before the Senate, so that amendments could be offered. Debate amounts to but little unless there is the right to offer amendments. Under the proposed unanimous-consent agreement the unfinished business might be before the Senate up to the very minute proposed, and it would never be in order to offer an amendment. The Senator should include

in his unanimous-consent request some such provision, and I would not object, no matter how much time the Senator fixes.

Mr. ROBINSON of Arkansas. How much time should be fixed?

Mr. NORRIS. I have no idea; but there should be some opportunity for debate.

Mr. ROBINSON of Arkansas. Mr. President, I do believe that it is possible to reach an agreement which will conserve the time of the Senate and at the same time afford fair opportunity for debate. I suggest to the Senator from Alabama that he amend his request for unanimous consent so as to provide that when the Senate convenes on the 14th of January his bill be laid before the Senate, and that, except by unanimous consent, it shall continue before the Senate until voted upon at not later than 4 o'clock on the 16th.

Mr. HEFLIN. I accept the suggestion of the Senator from Arkansas—and I would like to have the attention of the Senator from Virginia and the Senator from Nebraska—that this measure be laid before the Senate on the 14th of January for consideration or discussion, and that it may not be voted upon until 4 o'clock in the afternoon of the 16th, except by unanimous consent.

Mr. SWANSON. I agree to that.

The VICE PRESIDENT. As a vote is asked for, there must be a quorum called. The Chair will first ask whether there is any objection on the part of Senators present. If not, the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Keyes	Shipstead
Barkley	Fletcher	King	Shortridge
Bingham	Frazier	McGill	Smoot
Black	George	McKellar	Steak
Blease	Glass	McMaster	Stelwer
Borah	Glenn	McNary	Swanson
Bratton	Goff	Metcalf	Thomas, Idaho
Brock	Goldsborough	Morrison	Thomas, Okla.
Brookhart	Gould	Morrow	Trammell
Broussard	Hale	Norbeck	Tydings
Bulkley	Harris	Norris	Wagner
Capper	Hastings	Nye	Walcott
Caraway	Hayden	Oddie	Walsh, Mass.
Carey	Hebert	Partridge	Walsh, Mont.
Connally	Hefflin	Phipps	Waterman
Copeland	Howell	Pittman	Watson
Couzens	Johnson	Ransdell	Wheeler
Dale	Jones	Robinson, Ark.	Williamson
Davis	Kean	Robinson, Ind.	
Dill	Kendrick	Sheppard	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The Secretary will state the unanimous-consent request.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that the motion to reconsider be agreed to, that upon the convening of the Senate on the calendar day of Wednesday, January 14, 1931, the bill (S. 4750) to authorize alterations to certain naval vessels, be taken up for consideration, the unfinished business, if any, then pending being temporarily laid aside, and that except by unanimous consent it shall continue before the Senate and that a vote be taken without further debate at 4 o'clock p. m. on Friday, January 16, 1931, upon the passage of the said bill and any amendment proposed thereto.

Mr. HEFLIN. Mr. President, I want to state to Senators who have just entered the Chamber the amendment to the request I made that this matter be not considered now finally, but that final action be postponed for 10 days. The Senator from Arkansas suggested that the bill be laid before the Senate in time to give opportunity for debate if anybody wanted to debate it. That is why it is to be laid before the Senate before the day on which it is to be voted upon.

Mr. BROOKHART. Mr. President, I think that the vote should be fixed at 4 o'clock and not at "not later than 4 o'clock," so we may know when we are to vote.

Mr. HEFLIN. I have no objection, although the Senator understands that there is embodied in the request a provision that we shall vote at 4 o'clock unless by unanimous consent the vote is had earlier.

Mr. BROOKHART. That is not the way it was stated.

The VICE PRESIDENT. Let that provision be read again.

The Chief Clerk read as follows:

And that a vote be taken, without further debate, not later than 4 o'clock p. m. Friday, January 16, 1931, upon the passage of the said bill and any amendments proposed thereto.

Mr. BROOKHART. I want to have the agreement modified so we shall vote at 4 o'clock.

Mr. ROBINSON of Arkansas. I do not think there is any objection to that modification.

Mr. JONES. Mr. President, I want to ask the Senator in charge of the bill whether there are likely to be any amendments presented to it. If that is likely, then we ought not to fix a definite time to vote on the bill and amendments. There ought to be some opportunity for considering any amendment that may be offered.

Mr. HEFLIN. There will be two days.

Mr. JONES. Yes; but an amendment may be offered when we are about ready to vote on the bill, and then there will be no opportunity to discuss it.

Mr. ROBINSON of Arkansas. The bill is merely an authorization for the modernization of battleships, and it is not conceivable that any very complicated amendments will be proposed.

Mr. JONES. If it is merely an authorization, that is really the important thing, because the Appropriations Committee are practically bound by the authorization. If it is thought that there are not likely to be any important amendments pending or offered that we have not had an opportunity to discuss and that none will be offered, I shall not insist upon my suggestion, although as a general rule I propose to insist on it hereafter in connection with any unanimous-consent proposal for fixing a time to vote upon any measure.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Senate will resume the consideration of executive business and the Senator from West Virginia [Mr. Goff] is recognized.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from West Virginia yield to me before he proceeds?

Mr. GOFF. Certainly.

ANNIVERSARY OF BIRTH OF SENATOR FLETCHER

Mr. ROBINSON of Arkansas. Mr. President, just a few moments of the time of the Senate is taken to call attention to a fact which may for a short time at least relieve the tension under which Senators are laboring.

This is the birthday of one of the most useful, highly respected, and dearly beloved Members of the Senate of the United States—the anniversary of his birth. Great influence has been exerted to prevent the disclosure of the date of his birth or the number of this anniversary. However, the senior Senator from Florida [Mr. FLETCHER] has given consent that they shall be revealed. The record discloses that he was born on the 6th day of January, 1859. For many years he has served in the Senate, and prior to the beginning of that service he filled other public positions of great responsibility. There is no one among us who enjoys a fuller measure of confidence on the part of his associates. I have asked the Senate to pause for just a moment that I might pay him my humble tribute of respect and admiration. He is 72 years old, and it is our hope that he may live many, many years to continue his faithful and effective service.

Mr. HEFLIN. Mr. President, as a Senator from the sister State of Alabama, I heartily concur in the beautiful things the Senator from Arkansas [Mr. ROBINSON] has said about the able and distinguished Senator from Florida [Mr. FLETCHER]. He is a faithful, able, and industrious Senator. I have known and highly esteemed him for many years. He rings true on all great public questions. I recall a little verse that fits him admirably. He possesses—

The silvery hair of an honored age,
The eye of deathless youth.
Write on his life's untarnished page,
He dares to speak the truth.

Mr. FLETCHER. Mr. President, will the Senator from West Virginia yield to me just a moment before he proceeds?

Mr. GOFF. With pleasure.

Mr. FLETCHER. Mr. President, I desire to take a moment to express in a few words my appreciation of the kindness of the Senate and of the remarks that have been made by the two Senators who have just spoken. The knowledge that I have the respect and confidence of my colleagues in this body adds very greatly to my happiness.

I was greatly impressed when the Chaplain of the Senate recited that very interesting poem, *How Beautiful It Is to Be Alive*. In this connection, assured as I am of good health at this time, I may say that the greatest satisfaction and pleasure at my age is the assurance of the possession of friends and the contemplated joys of meeting them and associating with them in years to come.

Mr. GOFF. Mr. President, before I proceed with the argument I want to add just a word to what has been said in recognition of the great and exceptional services of our distinguished friend from Florida. I intended to make these references when the Senator asked me if he could occupy the floor for a moment.

I want to add simply this testimony of my own personal knowledge. It covers a period of 10 years during which I have known Senator FLETCHER. I knew him when I was in one of the great executive departments of the Government when with the United States Shipping Board. Everyone there had the greatest confidence in him and spoke his name only in high admiration and perfect reliance. He had not only the love and admiration then of his associates in the United States Senate and his friends in the House of Representatives, but he had the same measure of love and devotion of men in the executive departments of the United States Government.

My work carried me then into the Interstate Commerce Commission, and I talked then and there with members of that body about the great things for which Senator FLETCHER stood and the way that he fearlessly and in a purely statesmanlike way advocated the things in which he believed. I knew him subsequently in the Department of Justice when I was there, and he had the same high measure of respect shown him by the people in that executive department of our Government irrespective of what might be their political affiliation.

So, Mr. President, I join in unrestricted praise in hoping that he may remain here for many, many years to come. The longer he stays I know the closer he will come to the hearts and the deeper he will enter into the affections of his associates.

Mr. TRAMMELL. Mr. President, coming from the same State which the senior Senator from Florida [Mr. FLETCHER] represents in part in the Senate, I wish to extend Florida's congratulations that he has reached this anniversary in his life and also to say that Florida is to be congratulated, as well as the Senator himself, that he still remains in the Senate representing our State in the able, patriotic, and intelligent way in which he has now performed that duty for about 20 years. My wish, speaking for Florida, is that he may have many happy returns and long represent our State in this body.

FEDERAL POWER COMMISSION

The Senate being in executive session, Mr. GOFF resumed his speech and spoke, with interruptions, for about an hour, when he yielded the floor for the day. His speech is published entire in the RECORD of January 7.

REPORTS OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

As in legislative session,

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following Senate resolutions, reported them each without amendment and moved that they be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which motion was agreed to:

S. Res. 374. Resolution requesting the Committee on Interstate Commerce to investigate and report to the Senate the reasons for the failure of the price of bread to reflect the decline in the price of wheat and flour; and

S. Res. 384. Resolution to ascertain why whole-wheat flour and brown and unrefined sugar prices are higher, respectively, than white flour and white and refined sugar prices.

MISSISSIPPI RIVER BRIDGE AT PRAIRIE DU CHIEN, WIS.

Mr. DALE. As in legislative session, I report from the Committee on Commerce the bill (H. R. 14446) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis. I call the attention of the Senator from Arkansas [Mr. ROBINSON] to the bill.

Mr. ROBINSON of Arkansas. In the absence of the Senator from Wisconsin I have been requested to ask the action of the Senate on this bill. The bill would extend for one year from March 7, 1931, the time for completing construction of the bridge. The original act was approved March 7, 1928. Two piers have been finished, but the work will be discontinued unless the bill shall be passed with reasonable promptness. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection?

Mr. BROOKHART. Mr. President, I was interested in a bridge bill for a neighboring city to Prairie du Chien. There has been some controversy between the two, each one of them wanting a bridge permit of its own. However, they have reached an agreement among themselves that neither will object to the passage of the other's bill. For that reason I make no objection to the consideration of this bill at this time.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF BRIDGE BILLS

As in legislative session,

Mr. BROUSSARD. Mr. President, there are 14 or 15 bridge bills on the calendar. All of them reported favorably by the Committee on Commerce. Ten of them relate to bridges in the State of Louisiana and three of them to interstate bridges over the Sabine River in Texas. A large amount of money has been voted for the construction of those bridges, and I am very anxious that the bills should be passed. I ask unanimous consent that they may be considered at this time.

Mr. McNARY. May I ask the Senator if the bills have been favorably reported by the Senate Committee on Commerce?

Mr. BROUSSARD. They have been reported and are on the calendar. I ask unanimous consent that they may be considered at this time.

The PRESIDING OFFICER. Is there objection to the consideration of the bridge bills on the calendar en bloc?

There being no objection, the following Senate bills, which had been reported without amendment, were considered, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (S. 4808) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Shreveport, La.

A bill (S. 4804) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Krotz Springs, La.

A bill (S. 4806) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Alexandria, La.

A bill (S. 4809) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Ouachita River at or near Sterlington, La.

A bill (S. 5457) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21.

A bill (S. 5458) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7.

The following House bill, which had been reported without amendment, was considered, ordered to a third reading, read the third time, and passed:

A bill (H. R. 13130) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La.

OUACHITA RIVER BRIDGES, LOUISIANA

The Senate proceeded to consider the bill (S. 4810) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Ouachita River at or near Monroe, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved January 26, 1925, as amended by act approved February 6, 1928, to be built by the State Highway Commission of Louisiana, across the"; on page 2, line 1, after the name "Ouachita River," to strike out "at a point suitable to the interests of navigation," and in line 2, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby further extended one and three years, respectively, from February 6, 1931," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 26, 1925, as amended by act approved February 6, 1928, to be built by the State Highway Commission of Louisiana, across the Ouachita River, at or near Monroe, Ouachita Parish, La., are hereby further extended one and three years, respectively, from February 6, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for construction of a free highway bridge across the Ouachita River at or near Monroe, La."

The Senate proceeded to consider the bill (S. 4811) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Ouachita River at or near Harrisonburg, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1926, as amended by act approved March 10, 1928, to be built by the State Highway Commission of Louisiana"; on page 2, line 2, after the name "Ouachita River," to strike out "at a point suitable to the interests of navigation," and in line 4, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby further extended

one and three years, respectively, from March 10, 1931," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1926, as amended by act approved March 10, 1928, to be built by the State Highway Commission of Louisiana, across the Ouachita River at or near Harrisonburg, Catahoula Parish, La., are hereby further extended one and three years, respectively, from March 10, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for construction of a free highway bridge across the Ouachita River at or near Harrisonburg, La."

BLACK RIVER BRIDGE, LA.

The Senate proceeded to consider the bill (S. 4812) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near Jonesville, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1926, as amended by act approved February 6, 1928, to be built by the State Highway Commission of Louisiana, across"; on page 2, line 1, after the name "Black River," to strike out "at a point suitable to the interests of navigation," and in line 3, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby further extended one and three years, respectively, from February 6, 1931," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1926, as amended by act approved February 6, 1928, to be built by the State Highway Commission of Louisiana, across the Black River, at or near Jonesville, Catahoula, and Concordia Parishes, La., are hereby further extended one and three years, respectively, from February 6, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for construction of a free highway bridge across the Black River at or near Jonesville, La."

ATCHAFALAYA RIVER BRIDGE, LA.

The Senate proceeded to consider the bill (S. 4803) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Morgan City, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1928, to be built by the Louisiana Highway Commission"; in line 9, after the name "Atchafalaya River," to strike out "at a point suitable to the interests of navigation"; and on page 2, line 2, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to

regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby extended one and three years, respectively, from the date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1928, to be built by the Louisiana Highway Commission across the Atchafalaya River at or near Morgan City, St. Mary Parish, La., are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Atchafalaya River at or near Morgan City, La."

RED RIVER BRIDGES, LA.

The Senate proceeded to consider the bill (S. 4805) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1928, to be built by the Louisiana Highway Commission of the State of Louisiana"; on page 2, line 1, after the name "Red River," to strike out "at a point suitable to the interests of navigation"; and in line 3, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby extended one and three years, respectively, from March 10, 1931," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 10, 1928, to be built by the Louisiana Highway Commission of the State of Louisiana across the Red River at or near Moncla, Avoyelles Parish, La., are hereby extended one and three years, respectively, from March 10, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for construction of a free highway bridge across the Red River at or near Moncla, La."

The Senate proceeded to consider the bill (S. 4807) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Coushatta, La., which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto" and insert "times for commencing and completing the construction of a bridge authorized by act of Congress approved February 3, 1928, as amended by act approved February 13, 1929, to be built by the State Highway Commission of Louisiana, across"; on page 2, line 1, after the name "Red River," to strike out "at a point suitable to the interests of navigation," and in line 3, after the name "Louisiana," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906" and insert "are hereby

further extended one and three years, respectively, from February 13, 1931," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 3, 1923, as amended by act approved February 13, 1929, to be built by the State Highway Commission of Louisiana, across the Red River at or near Coushatta, Red River Parish, La., are hereby further extended one and three years, respectively, from February 13, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for construction of a free highway bridge across the Red River at or near Coushatta, La."

SABINE RIVER BRIDGE, LA.

The Senate proceeded to consider the bill (S. 5456) to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45, which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 2, line 1, after the word "from," to strike out "January 29, 1931" and insert "the date of approval hereof," and on the same page, after line 2, to insert a new section, as follows:

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 29, 1929, to be built by the State of Louisiana and the State of Texas across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45, are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. McNARY. As in executive session, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 21 minutes p. m.) the Senate, in executive session, took a recess until to-morrow, Wednesday, January 7, 1931, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 6 (legislative day of January 5), 1931

ASSISTANT ATTORNEY GENERAL

Nugent Dodds, of Michigan, to be Assistant Attorney General, to succeed Oscar R. Luhring, resigned.

UNITED STATES ATTORNEY

Simon E. Sobeloff, of Maryland, to be United States attorney, district of Maryland, to succeed Amos W. W. Woodcock, resigned.

PUBLIC HEALTH SERVICE

Senior Surg. Eugene H. Mullan to be a medical director in the Public Health Service, to rank as such from February 2, 1931.

The following-named doctors to be assistant dental surgeons in the grade of assistant surgeon in the Public Health Service, to take effect from date of oath:

Fritz R. Jackson.

David Cooper.

Gordon G. Braendle.

Julien G. Manser.

Joseph H. Gazin.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 6, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou art still unfolding for us the same wonderful providence as when the patriarchs trod the sands ages ago. In the presence of Thy perpetual bounties, rebuke us in love for our failures. Thy mercy is as a fruitful, fragrant vine climbing over the rough edges and places at our roadside. O Thou art the unchangeable, everlasting God who fainteth not, neither is weary. We praise Thee, who art infinite in excellence, transcendent in power, and God over all. Rise, O Sun of Righteousness, with healing in Thy beams and bring us to our best intelligence and our best natures. Hasten us on between the posts of duty. Through Christ our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 447. Joint resolution making an appropriation to carry out the provisions of the public resolution entitled "Joint resolution for the relief of farmers in the drought and/or storm stricken areas of the United States," approved December 20, 1930.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I wish to propound a unanimous-consent request. To-morrow is Calendar Wednesday. As a rule, I should not be willing to have anyone address the House on Calendar Wednesday; but on to-morrow will be held the funeral of Marshal Joffre, and I think it would be most appropriate that exercises suitable for the occasion be held in this Chamber. There is nothing more suitable that I can think of than to have a Member address the House on the life of Marshal Joffre. I therefore ask that after the reading of the Journal to-morrow the gentleman from Pennsylvania, Mr. BECK, be allowed to address the House for 40 minutes on the life of Marshal Joffre.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow, after the reading of the Journal, the gentleman from Pennsylvania, Mr. BECK, may address the House for 40 minutes on the life of Marshal Joffre. Is there objection?

There was no objection.

THE FEDERAL FARM BOARD

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for six minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a letter written by Senator THOMAS of Oklahoma.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, one of the most amazing statements ever given out to the press was the one by Hon. John Simpson, of Oklahoma City, president of the Farmers' Union of the United States. This statement was based on information given to him in a letter dated November 26, 1930, written by Senator ELMER THOMAS, who is at present a Senator from the State of Oklahoma. The contents of this letter revert to a statement made by Chairman Legge, of the Federal Farm Board, before the Senate Agricultural Committee, and Mr. Simpson charged that Chairman Legge made the statement, first, that the sum of \$25,000,000 had been lost by dealing in wheat; second, that the sum of \$40,000,000 had been lost in cotton; that the